





THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA

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THE REVISED STATUTES

—OF—

BRITISH COLUMBIA, 1911

VOLUME IV.

DIVIDED INTO TWO PARTS.

Part I. being a compilation of Imperial Statutes and of certain Orders in Council and Proclamations thereunder, and

Part II. being a list of Provincial Statutes not included in the said Revised Statutes, some of which, being of a quasi-public character, are printed in full.



THE GOVERNMENT OF
THE PROVINCE OF BRITISH COLUMBIA.

Arranged chronologically by the Commissioners for the Revised Statutes, 1911.

PUBLISHED BY AUTHORITY.

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1913.

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EDITORIAL NOTE FOR REPRINT

When it was printed in 1913 as Volume IV to RSBC 1911, this volume contained a very useful collection of English and United Kingdom Statutes, as well as some unconsolidated statutes of Vancouver Island and British Columbia. The volume did not have a large circulation, has long been out of print and is now not readily available.

With the completion of RSBC 1979, I wrote members of the legal profession to see if there was any interest in reprinting this volume. The response was sufficient to justify a reprint.

Prior to publication I consulted Dr. S.W. Jackman of the History Department, University of Victoria and Dr. Gilbert D. Kennedy, Commissioner for the 1979 revision. On their advice, we have made a few changes.

Magna Carta of 1215 has been substituted for the reissue of 1225. I would like to acknowledge with appreciation the permission granted by The British Library Board to use the translation prepared for the Library by G.R.C. Davis, Esq.

We have also included the following English or United Kingdom Acts:

Petition of Right, 1628
Bill of Rights, 1689
Act of Settlement, 1701
Royal Marriages Act, 1772
Abdication Act, 1936
Regency Act, 1937

I also acknowledge the permission granted by Her Majesty's Stationery Office to reprint the two Acts enacted within the last 50 years.

We have omitted the 109 page Bankruptcy Act of 1849, provided page references in the Table of Statutes in Part I, moved a proclamation of Governor Douglas, 1858, from Part I to Part II, and used as far as possible the system of dating, introduced over two centuries ago (in 1752) under which the year begins on January 1st and not in March.

This is a reprint and therefore, except as mentioned above, no attempt has been made to alter the work of the Commissioners who produced the 1913 volume: Philip Luxton, K.C. and Charles Wilson, K.C.

In addition to those already mentioned, I wish to thank Diana M. Priestly, Law Librarian, University of Victoria, for assistance whenever needed during the project.

Richard H. Vogel

Richard H. Vogel,
Deputy Attorney General.

PART I

Table of English Statutes

A collection of some English Statutes not consolidated with the "Revised Statutes of British Columbia, 1911," useful for reference and arranged chronologically, and of certain Orders in Council and Proclamations.*

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This compilation does not purport to be an exhaustive collection of English Acts that may be applicable in the Province of British Columbia.

The insertion of any Act or part of any Act in this compilation, or the omission therefrom of Acts or parts of Acts, must not be taken as an expression of opinion on the part of the Commissioners with respect to the applicability of those inserted, or the inapplicability of the great number of Acts omitted. The judicial tribunals of the country can alone determine these questions.

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MAGNA CARTA

1215

Made in the Seventeenth Year of King John.

TRANSLATION

(Clauses marked (†) are still valid under the charter of 1225, but with a few minor amendments. Clauses marked () were omitted in all later reissues of the charter. In the charter itself the clauses are not numbered, and the text reads continuously. The translation sets out to convey the sense rather than the precise wording of the original Latin.)*

JOHN, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, Peter bishop of Winchester, Jocelin bishop of Bath and Glastonbury, Hugh bishop of Lincoln, Walter Bishop of Worcester, William bishop of Coventry, Benedict bishop of Rochester, Master Pandulf subdeacon and member of the papal household, Brother Aymeric master of the knighthood of the Temple in England, William Marshal earl of Pembroke, William earl of Salisbury, William earl of

Warren, William earl of Arundel, Alan de Galloway constable of Scotland, Warin Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip Daubeney, Robert de Roppeley, John Marshal, John Fitz Hugh, and other loyal subjects:

†(1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections—a right reckoned to be of the greatest necessity and importance to it—and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREEMEN OF OUR KINGDOM we have also granted, for us and our heirs for ever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

(2) If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a 'relief', the heir shall have his inheritance on payment of the ancient scale of 'relief'. That is to say, the heir or heirs of an earl shall pay £100 for the entire earl's barony, the heir or heirs of a knight 100s. at most for the entire knight's 'fee', and any man that owes less shall pay less, in accordance with the ancient usage of 'fees'.

(3) But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without 'relief' or fine.

(4) The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same 'fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same 'fee', who shall be similarly answerable to us.

(5) For so long as a guardian has guardianship of such land, he shall maintain the houses, parks, fish preserves, ponds, mills, and everything else pertaining to it, from the revenues of the land itself. When the heir comes of age, he shall restore the whole land to him, stocked with plough teams and such implements of husbandry as the season demands and the revenues from the land can reasonably bear.

(6) Heirs may be given in marriage, but not to someone of lower social standing. Before a marriage takes place, it shall be made known to the heir's next-of-kin.

(7) At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

(8) No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

(9) Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them.

*(10) If anyone who has borrowed a sum of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.

*(11) If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he leaves children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, reserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.

*(12) No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.

†(13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

*(14) To obtain the general consent of the realm for the assessment of an 'aid'—except in the three cases specified above—or a 'scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be

summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.

*(15) In future we will allow no one to levy an 'aid' from his free men, except to ransom his person, to make his eldest son a knight, and (once) to marry his eldest daughter. For these purposes only a reasonable 'aid' may be levied.

(16) No man shall be forced to perform more service for a knight's 'fee', or other free holding of land, than is due from it.

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

(18) Inquests of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

(19) If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

(20) For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

(21) Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence.

(22) A fine imposed upon the lay property of a clerk in holy orders shall be assessed upon the same principles, without reference to the value of his ecclesiastical benefice.

(23) No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

(24) No sheriff, constable, coroners, or other royal officials are to hold lawsuits that should be held by the royal justices.

*(25) Every county, hundred, wapentake, and tithing shall remain at its ancient rent, without increase, except the royal demesne manors.

(26) If at the death of a man who holds a lay 'fee' of the Crown, a sheriff or royal official produces royal letters patent of summons for a debt due to the Crown, it shall be lawful for them to seize and list movable goods found in the lay 'fee' of the dead man to the value of the debt, as assessed by worthy men. Nothing shall be removed until the whole debt is paid, when the residue shall be given over to the executors to carry out the dead man's will. If no debt is due to the Crown, all the movable goods shall be regarded as the property of the dead man, except the reasonable shares of his wife and children.

*(27) If a free man dies intestate, his movable goods are to be distributed by his next-of-kin and friends, under the supervision of the Church. The rights of his debtors are to be preserved.

(28) No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this.

(29) No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other fit man to do it. A knight taken or sent on military service shall be excused from castle-guard for the period of this service.

(30) No sheriff, royal official, or other person shall take horses or carts for transport from any free man, without his consent.

(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

(32) We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the 'fees' concerned.

(33) All fish-weirs shall be removed from the Thames, the Medway, and throughout the whole of England, except on the sea coast.

(34) The writ called *precipe* shall not in future be issued to anyone in respect of any holding of land, if a free man could thereby be deprived of the right of trial in his own lord's court.

(35) There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. There shall also be a standard width of dyed cloth, russett, and haberject, namely two ells within the selvages. Weights are to be standardised similarly.

(36) In future nothing shall be paid or accepted for the issue of a writ of inquisition of life or limbs. It shall be given *gratis*, and not refused.

(37) If a man holds land of the Crown by 'fee-farm', 'socage', or 'burgage', and also holds land of someone else for knight's service, we will not

have guardianship of his heir, nor of the land that belongs to the other person's 'fee', by virtue of the 'fee-farm', 'socage', or 'burgage', unless the 'fee-farm' owes knight's service. We will not have the guardianship of a man's heir, or of land that he holds of someone else, by reason of any small property that he may hold of the Crown for a service of knives, arrows, or the like.

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

†(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

†(40) To no one will we sell, to no one deny or delay right or justice.

(41) All merchants may enter or leave England unharmed and without fear, and may stay or travel within it, by land or water, for purposes of trade, free from all illegal exactions, in accordance with ancient and lawful customs. This, however, does not apply in time of war to merchants from a country that is at war with us. Any such merchants found in our country at the outbreak of war shall be detained without injury to their persons or property, until we or our chief justice have discovered how our own merchants are being treated in the country at war with us. If our own merchants are safe they shall be safe too.

*(42) In future it shall be lawful for any man to leave and return to our kingdom unharmed and without fear, by land or water, preserving his allegiance to us, except in time of war, for some short period, for the common benefit of the realm. People that have been imprisoned or outlawed in accordance with the law of the land, people from a country that is at war with us, and merchants—who shall be dealt with as stated above—are excepted from this provision.

(43) If a man holds lands of any 'escheat' such as the 'honour' of Wallingford, Nottingham, Boulogne, Lancaster, or of other 'escheats' in our hand that are baronies, at his death his heir shall give us only the 'relief' and service that he would have made to the baron, had the barony been in the baron's hand. We will hold the 'escheat' in the same manner as the baron held it.

(44) People who live outside the forest need not in future appear before the royal justices of the forest in answer to general summonses, unless they are actually involved in proceedings or are sureties for someone who has been seized for a forest offence.

*(45) We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well.

(46) All barons who have founded abbeys, and have charters of English kings or ancient tenure as evidence of this, may have guardianship of them when there is no abbot, as is their due.

(47) All forests that have been created in our reign shall at once be disafforested. River-banks that have been enclosed in our reign shall be treated similarly.

*(48) All evil customs relating to forests and warrens, foresters, warreners, sheriffs and their servants, or river-banks and their wardens, are at once to be investigated in every county by twelve sworn knights of the county, and within forty days of their enquiry the evil customs are to be abolished completely and irrevocably. But we, or our chief justice if we are not in England, are first to be informed.

*(49) We will at once return all hostages and charters delivered up to us by Englishmen as security for peace or for loyal service.

*(50) We will remove completely from their offices the kinsmen of Gerard de Athée, and in future they shall hold no offices in England. The people in question are Engelard de Cigogné, Peter, Guy, and Andrew de Chanceaux, Guy de Cigogné, Geoffrey de Martigny and his brothers, Philip Marc and his brothers, with Geoffrey his nephew, and all their followers.

*(51) As soon as peace is restored, we will remove from the kingdom all the foreign knights, bowmen, their attendants, and the mercenaries that have come to it, to its harm, with horses and arms.

*(52) To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgement of his equals, we will at once restore these. In cases of dispute the matter shall be resolved by the judgement of the twenty-five barons referred to below in the clause for securing the peace (§ 61). In cases, however, where a man was deprived or dispossessed of something without the lawful judgement of his equals by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. On our return from the Crusade, or if we abandon it, we will at once render justice in full.

*(53) We shall have similar respite in rendering justice in connexion with forests that are to be disafforested, or to remain forests, when these were first afforested by our father Henry or our brother Richard; with the guardianship of lands in another person's 'fee', when we have hitherto had this by virtue of a 'fee' held of us for knight's service by a third party; and with abbeys founded in another person's 'fee', in which the lord of the 'fee' claims to own a right. On our return from the Crusade, or if we abandon it, we will at once do full justice to complaints about these matters.

(54) No one shall be arrested or imprisoned on the appeal of a woman for the death of any person except her husband.

*(55) All fines that have been given to us unjustly and against the law of the land, and all fines that we have exacted unjustly, shall be entirely

remitted or the matter decided by a majority judgement of the twenty-five barons referred to below in the clause for securing the peace (§ 61) together with Stephen, archbishop of Canterbury, if he can be present, and such others as he wishes to bring with him. If the archbishop cannot be present, proceedings shall continue without him, provided that if any of the twenty-five barons has been involved in a similar suit himself, his judgement shall be set aside, and someone else chosen and sworn in his place, as a substitute for the single occasion, by the rest of the twenty-five.

(56) If we have deprived or dispossessed any Welshmen of lands, liberties, or anything else in England or in Wales, without the lawful judgement of their equals, these are at once to be returned to them. A dispute on this point shall be determined in the Marches by the judgement of equals. English law shall apply to holdings of land in England, Welsh law to those in Wales, and the law of the Marches to those in the Marches. The Welsh shall treat us and ours in the same way.

*(57) In cases where a Welshman was deprived or dispossessed of anything, without the lawful judgement of his equals, by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. But on our return from the Crusade, or if we abandon it, we will at once do full justice according to the laws of Wales and the said regions.

*(58) We will at once return the son of Llywelyn, all Welsh hostages, and the charters delivered to us as security for the peace.

*(59) With regard to the return of the sisters and hostages of Alexander, king of Scotland, his liberties and his rights, we will treat him in the same way as our other barons of England, unless it appears from the charters that we hold from his father William, formerly king of Scotland, that he should be treated otherwise. This matter shall be resolved by the judgement of his equals in our court.

(60) All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

*(61) SINCE WE HAVE GRANTED ALL THESE THINGS for God, for the better ordering of our kingdom, and to allay the discord that has arisen between us and our barons, and since we desire that they shall be enjoyed in their entirety, with lasting strength, for ever, we give and grant to the barons the following security:

The barons shall elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them by this charter.

If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us—or in our absence from the kingdom to the chief justice—to declare it and claim immediate redress. If we, or in our absence abroad the chief justice, make no redress within forty days, reckoning from the day on which the offence was declared to us or to him, the four barons shall refer the matter to the rest of the twenty-five barons, who may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children, until they have secured such redress as they have determined upon. Having secured the redress, they may then resume their normal obedience to us.

Any man who so desires may take an oath to obey the commands of the twenty-five barons for the achievement of these ends, and to join with them in assailing us to the utmost of his power. We give public and free permission to take this oath to any man who so desires, and at no time will we prohibit any man from taking it. Indeed, we will compel any of our subjects who are unwilling to take it to swear it at our command.

If one of the twenty-five barons dies or leaves the country, or is prevented in any other way from discharging his duties, the rest of them shall choose another baron in his place, at their discretion, who shall be duly sworn in as they were.

In the event of disagreement among the twenty-five barons on any matter referred to them for decision, the verdict of the majority present shall have the same validity as a unanimous verdict of the whole twenty-five, whether these were all present or some of those summoned were unwilling or unable to appear.

The twenty-five barons shall swear to obey all the above articles faithfully, and shall cause them to be obeyed by others to the best of their power.

We will not seek to procure from anyone, either by our own efforts or those of a third party, anything by which any part of these concessions or liberties might be revoked or diminished. Should such a thing be procured, it shall be null and void and we will at no time make use of it, either ourselves or through a third party.

*(62) We have remitted and pardoned fully to all men any ill-will, hurt, or grudges that have arisen between us and our subjects, whether clergy or laymen, since the beginning of the dispute. We have in addition remitted fully, and for our own part have also pardoned, to all clergy and laymen any offences committed as a result of the said dispute between Easter in the sixteenth year of our reign (*i.e.* 1215) and the restoration of peace.

In addition we have caused letters patent to be made for the barons, bearing witness to this security and to the concessions set out above, over

the seals of Stephen archbishop of Canterbury, Henry archbishop of Dublin, the other bishops named above, and Master Pandulf.

*(63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fulness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

Both we and the barons have sworn that all this shall be observed in good faith and without deceit. Witness the abovementioned people and many others.

Given by our hand in the meadow that is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign (*i.e.* 1215: *the new regnal year began on 28 May*).

[NOTE: Magna Carta was reissued in 1216, early in the reign of Henry III, John's infant son, in a revised form, largely deleting clauses peculiar to the settlement at Runnymede of John's dispute with his barons. Magna Carta was reissued again in 1217 and 1225, each with small revisions. The differences between the original issue and that of 1225 are largely explained in the notes at the beginning of the text for 1215. The revised version of 1225 was reissued 3 further times in Henry III's reign (1237, 1253, 1265), in 1297 by Edward I and a number of times in later reigns. The reissue of Edward I in 1297 was placed on the Statute Roll. The Petition of Right refers to the Great Charter reciting "9 Hen 3" (the reissue of 1225). The Habeas Corpus Act 1640 refers to the Great Charter as "many times confirmed in Parliament".]

Next page is 21.

CAP. XXV.

None shall Commit Champerty, to have Part of the Thing in Question.

NO Officer of the King by themselves, nor by other, shall maintain Pleas, Suits, or Matters hanging in the King's Courts, for Lands, Tenements, or other Things, for to have Part or Profit thereof by Covenant made between them; and he that doth, shall be punished at the King's Pleasure.

And see 32 H. 8. c. 9. ordaining that Proclamation of the Statutes of Maintenance and made at the Assizes.

* Add stat. 3. c. 11.

† Read stat. 2 & 3.

9 H. 7. 18.
15 H. 7. 2.
Regist. 128.
Rast. 119.
2 Inst. 297.
See c. 28.
Enforced by
13 Ed. 1. stat. 1.
c. 49. 28 Ed. 1.*
33 Ed. 1. stat. †8.
Champerty shall be

STAT. 2, CAP. I.

A Statute of Mortmain, made 15 Novemb. Anno 7 Edw. 1.* and Anno Dom. 1279.

Who shall take the Forfeiture of Lands given in Mortmain.

WHERE of late it was provided, That Religious Men should not enter into the Fees of any without Licence and Will of the chief Lord, of whom such Fees be holden immediately; and notwithstanding such Religious Men have entered as well into their own Fees, as into the Fees of other Men, appropriating and buying them, and sometime receiving them of the Gift of others, whereby the Services that are due of such Fees, and which at the Beginning were provided for Defence of the Realm, are wrongfully withdrawn, and the chief Lords do leese their Eschetes of the same: (2) We therefore to the Profit of our Realm, intending to provide convenient Remedy, by the Advice of our Prelates, Earls, *Barons*, and other *our Subjects*, being of our Council, have provided, made, and ordained, That no Person, Religious or other, whatsoever he be that will, buy or sell any Lands or Tenements, or under the Colour of Gift or Lease, or that will receive by reason of any other Title, whatsoever it be, Lands or Tenements, or by any other Craft or Engine will presume to appropre to himself, under Pain of Forfeiture of the same, whereby such Lands or Tenements may any wise come into Mortmain. (3) We have provided also, That if any Person,

§Add the King to the Justices of his Bench greeting, where of late. &c. 9 H. 3. stat. 1. c. 36. 1 Roll 154. 457. 2 Roll 170. 9 H. 3. stat. 1. & 2. c. 36. 8 H. 4. 15. 41. Ed. 3. 16. 21. 47. Ed. 3. 11. Bro. Mortmain, 15. 16, 18, 20, 24, 27, 31, 38, 39, 41, 43. 50 Ed. 3. 22. Fitz. Mortmain, 13 Co. Lit. 2. b. 15 Ed. 4. 13. Fitz. Formedon, 57. Fitz. Quare imp. 163. ¶Not in Orig. ¶Read *Hege Men of our Kingdom*. No Land shall be aliened in Mortmain upon Pain of the Forfeiture thereof. 2. Bulstr. 187. 3. Bulstr. 45.

Who shall take the
Benefit of the
Forfeiture.

*Add for one whole
Year.

Enforced and
amended by 13. Ed.
1. stat. 1. c. 32.
18 Ed. 1. stat. 1. c. 3. 34 Ed. 1. stat 3. See 18 Ed. 3. stat. 3. c. 3. with respect to Licences for Purchases
in Mortmain; and 15 R. 2. c. 5. what Purchases shall be adjudged Mortmain. 28 H. 8. c. 10. for giving
Lands to pious Uses for twenty Years. See 22 Car. 2. c. 6. enabling Corporations to purchase in Mort-
main. 7 & 8 W. 3. 31. empowering the King to grant Licences to alien in Mortmain, and 9 Geo. 2. 36.
restraining Gifts in Mortmain by Will.

Religious or other, do presume either by Craft or Engine to offend against this Statute, it shall be lawful to us and other chief Lords of the Fee immediate, to enter into the Land so aliened, within a Year from the Time of the Alienation, and to hold it in Fee as an Inheritance. (4) And if the chief Lord immediate be negligent, and will not enter into such Fee within the Year, then it shall be lawful to the next chief Lord immediate of the same Fee to enter into the same Land within half a Year next following, and to hold it as before is said; and so every Lord immediate may enter into such Land, if the next Lord be negligent in entering into the same Fee, as is aforesaid. (5) And if all the chief Lords of such Fees, being of full Age, within the four Seas, and out of Prison, be negligent or slack in this Behalf, * we, immediately after the Year accomplished, from the Time that such Purchases, Gifts or Appropriations hap to be made, shall take such Lands and Tenements into our Hand, and shall infeoff other therein by certain Services to be done to us for the Defence of our Realm; saving to the chief Lords of the same Fees their Wards and Eschetes, and other Services thereunto due and accustomed. (6) And therefore we command you, that ye cause the foresaid Statute to be read before you, and from henceforth to be kept firmly and observed. Witness my self at Westminster the Fifteenth Day of November, the Seventh Year of our Reign.

CAP. I.

In Gifts in Tail the Donor's Will shall be observed. The Form of a Formedon.

[Easter, 1285.]

... Our Lord the King in his Parliament, after the feast of Easter, holden the thirteenth year of his reign at Westminster . . . did provide certain acts, as shall appear here following.

Several Sorts of
Gifts of Lands in
Tail. 1 Leon. 212.
2 Roll 48. 153. 158.
323. 351. 385.
2 Roll 429.
Godbolt 308. 367.
p1. 458. Vaughan
365. Latch 67.
Savil 67. 88. 7 Co.
33. Fitz. Tail. 11.
12. 13. 14. 16. 17.
18. 21. 22. 23.
Co. Lit. 18. b. 19. a.
24. a. 223. b. 224. a.
Co. 81. Fitz.
Formed. 61. 65.
Fitz. Tail. 9. 10.

FIRST, Concerning Lands that many Times are given upon Con-
dition, that is to wit, Where any giveth his Land to any Man
and his Wife, and to the Heirs begotten of the Bodies of the same
Man and his Wife, with such Condition expressed, that if the same
Man and his Wife die without Heirs of their Bodies between them
begotten, the Land so given shall revert to the Giver or his Heir.
(2) In case also where one giveth Lands in free Marriage, which
Gift hath a Condition annexed, though it be not expressed in the
Deed of Gift, which is this, That if the Husband and Wife die
without Heir of their Bodies begotten, the Land so given shall revert

to the Giver or his Heir. (3) In case also where one giveth Land to another, and the Heirs of his Body issuing; it seemed very hard, and yet seemeth to the Givers and their Heirs, that their Will being expressed in the Gift, was not heretofore, nor yet is observed.

(4) In all the Cases aforesaid, after Issue begotten and born between them to whom the Lands were given under such Condition, heretofore such Feoffees had Power to aliene the Land so given, and to disherit their Issue of the Land, contrary to the Minds of the Givers, and contrary to the Form expressed in the Gift. (5) And further, When the Issue of such Feoffee is failing, the Land so given ought to return to the Giver, or his Heir, by Form of the Gift expressed in the Deed through the issue (if any were) had died: (6) Yet by the Deed and Feoffment of them (to whom Land was so given upon Condition) the Donors have heretofore been barred of their Reversion, * which was directly repugnant to the Form of the Gift.

Fitz. Tail, 15.

*Add of the same Tenements.

2. Wherefore our Lord the King, perceiving how necessary and expedient it should be to provide Remedy in the aforesaid Cases, hath ordained, That the Will of the Giver, according to the Form in the Deed of Gift manifestly expressed, shall be from henceforth observed; so that they to whom the Land was given under such Condition, shall have no Power to aliene the Land so given, but that it shall so remain unto the Issue of them to whom it was given after their Death, or shall revert unto the Giver, or his Heirs, if Issue fail (†whereas there is no Issue at all) or if any Issue be, and fail by Death, or Heir of the Body of such Issue failing. (2) Neither shall the second Husband of any such Woman, from henceforth, have any Thing in the Land so given upon Condition, after the Death of his Wife, by the Law of England, nor the Issue of the second Husband and Wife shall succeed in the Inheritance, but immediately after the Death of the Husband and Wife (to whom the Land was so given) it shall come to their Issue, or return unto the Giver, or his Heir, as before is said.

In Gifts in Tail the Donor's Will shall be observed. Hob. 293. Fitz. Garranty. 16, 46, 57, 59. 3 Co. 85. Fitz. Formed. 1. 27, 33, 35, 52, 54, 59, 62, 64. †For *whereas*, read *in that*. Fitz. Dower, 87. 3 Co. 8. 5, 14, 7, 32, 33, 8, 35, 86, 166. 9. 105. 11, 72. Co. Lit. 327. b.

3. And forasmuch as in a new Case new Remedy must be provided, this Manner of Writ shall be granted to the Party that will purchase it:

(2) Praeceptum A. quod juste, &c. reddat E. manerium de F. cum suis pertinentiis, quod C. dedit tali viro & tali mulieri, & heredibus de ipsis viro & muliere exeuntibus.

Or thus:

(3) Quod C. dedit tali viro in liberum maritagium cum tali muliere, & quod post mortem praedictorum viri & mulieris, praedicto B. filio eorundem viri & mulieris descendere debeat performam donationis praedictae, ut dicit, &c. (4) Vel, Quod C. dedit tali & haeredibus de corpore suo exeuntibus, & quod post mortem illius talis, praedicto B. filio praedicti talis descendere debeat per formam, &c.

Formeon in dis-cender. Regist. 238. Co. pla. 317, 338, 341. Dyer 216, 247. Fitz. Fines. 125. Fitz. Formed. 5, 6, 7, 11, 12, 22, 30, 42, 44, 46, 47, 49.

A Fine shall not bar
the Heir in Tail.
8 H. 4. f. 8. Fitz.
Continual Claim. 9.

4. The Writ whereby the Giver shall recover (when Issue faileth) is common enough in the Chancery; (2) and it is to wit, that this Statute shall hold Place touching Alienation of Land contrary to the Form of the Gift hereafter to be made, and shall not extend to Gifts made before. (3) And if a Fine be levied hereafter upon such Lands, it shall be void in the law; (4) neither shall the Heirs, or such as the Reversion belongeth unto, though they be of full Age, within England, and out of Prison, need to make their Claim. Altered by 32 H. 8. c. 36.

CAP. XXXII.

Mortmain by Recovery of Land by Default.

7 Ed. 1. stat. 2.
2. Inst. 428.

Fitz. Coll. 1. 2. 4. 5. 6.
7. 9. 10. 11. 22. 24. 25.
26. 27. 31. 40. 42. 46.
10 H. 7. f. 3.
11 Ed. 3. stat. 3. c. 3.*

Every chief Lord may
challenge the Jurors.

9. H. 3. stat. 1.
c. 36.

See farther. 18 Ed. 1. stat. 1. c. 3. 34 Ed. 1. stat. 3. 18 Ed. 3. stat. 3. c. 3. 15 R. 2. c. 5. 23 H. 8. c. 10. restraining Alienations in Mortmain. 1 & 2 P. & M. c. 8. permitting them to Spiritual Corporations. 39 Eliz. c. 5. 21 Jac. 1. c. 1. 13 & 14 Car. 2. c. 12. permitting them for the Benefit of the Poor &c. 7 & 8 W. 3. c. 37. empowering the Crown to Grant Licences to alien in Mortmain; and 9 Geo. 2. c. 36. restraining Gifts in Mortmain by Will.

* This seems to be a mistaken Reference.

CAP. XXXVII.

No Distress shall be taken but by Bailiffs known and sworn.

FORASMUCH also as Bailiffs, to whose Office it belongeth to take 2 Inst. 445.
 Distresses, intending to grieve their Inferiors, that they may exact Money of them, do send Strangers to take Distresses, to the Intent that they might grieve their Inferiors, by reason that the Parties so distrained, not knowing such Persons, will not suffer the Distresses to be taken; (2) it is provided, That no Distress shall be taken, but by Bailiffs sworn and known. (3) And if they which 3 Co. 12.
 do distrain do otherwise, and thereof be convict (if the Parties grieved will purchase a Writ of Trespass) they shall restore Damages to the Parties grieved, and besides, shall be grievously punished towards the King.

CAP. XLIX.

The Penalty for buying the Title of Land depending in Suit. A Remedy for Suits where the Law faileth.

THE Chancellor, Treasurer, Justices, nor any of the King's Counsel, Fitz. Champerty. 1. 5, 6, 8, 12, 14, 15. Hob. 117. 3 Ed. 1. c. 25. Add 28 & 33. Enforced by 28 Ed. 1. stat. 3. c. 11. Regist. 182, 183. Rast. 119.
 no Clerk of the Chancery, nor of the Exchequer, nor of any Justice or other Officer, nor any of the King's House, Clerk ne Lay, shall not receive any Church, nor Advowson of a Church, Land, nor Tenement in Fee, by Gift, nor by Purchase, nor to Farm, nor by Champerty, nor otherwise, so long as the Thing is in Plea before us, or before any of our Officers; (2) nor shall take no Reward thereof. (3) And he that doth contrary to this Act, either himself, or by another, or make any Bargain, shall be punished at the King's Pleasure, as well he that purchaseth, as he that doth sell.

See farther 33 Ed. 1. stat. 2 & 3. 1 Ed. 3. stat. 2. c. 14. 4 Ed. 3. c. 11. 20 Ed. 3. c. 4. 1 R. 2. c. 4. against Maintenance and Champerty; and 32 H. 8. c. 9. against Bracery and buying of Titles, which farther enforces the Statutes against Maintenance and Champerty.

CAP. I.

The Statute of Westminster the Third, viz. Quia emptores terrarum, made Anno 18 Edw. I. Stat I. and Anno Dom. 1290.

The Feoffee shall hold his Land of the chief Lord, and not of the Feoffor.

1 Roll 106.

Fitz Avowry, 108, 185, 255.

12 Car. 2. c. 24. takes away feudal Services.

FORASMUCH as Purchasers of Lands and Tenements of the Fees of great Men and other Lords, have many Times heretofore entered into their Fees, to the Prejudice of the Lords, to whom the Freeholders of such great Men have sold their Lands and Tenements to be holden in Fee of their Feoffors, and not of the chief Lords of the Fees, whereby the same chief Lords have many Times lost their Escheats, Marriages, and Wardships of Lands and Tenements belonging to their Fees; which Thing seemed very hard and extream unto those Lords and other great Men, and moreover in this Case manifest Disheritance: (2) Our Lord the King, in his Parliament at Westminster, after Easter, the eighteenth Year of his Reign, that is to wit, in the Quinzime of Saint John Baptist, at the Instance of the great Men of the Realm, granted, provided, and ordained, That from henceforth it shall be lawful to every Freeman to sell at his own Pleasure his Lands and Tenements, or Part of them, so that the Feoffee shall hold the same Lands or Tenements of the chief Lord of the same Fee, by such Service and Customs at his Feoffor held before.

CAP. II.

If Part of the Land be sold, the Services shall be apportioned.

Dyer 299. Fitz. Avowry. 101. 108. 218. Fitz. Herriot. 1. Bro. Tenures. 2. 65. 6 Co. 1. 8 Co. 105. 27 H. 8. f. 26. 40 Ed. 3. f. 40. 2 Inst. 503.

AND if he sell any Part of such Lands or Tenements to any, the Feoffee shall immediately hold it of the chief Lord, and shall be forthwith charged with the Services, for so much as pertaineth, or ought to pertain to the said chief Lord for the same Parcel, according to the Quantity of the Land or Tenement so sold. (2) And so in this Case the same Part of the Service shall remain to the Lord, to be taken by the Hands of the Feoffee, for the which

he ought to be attendant and answerable to the same chief Lord, according to the Quantity of the Land or Tenement sold for the Parcel of the Service so due.

CAP. III.

No Feoffment shall be made to assure Land in Mortmain.

AND it is to be understood, that by the said Sales or Purchases ^{2 Inst. 504.} of Lands or Tenements, or any Parcels of them, such Lands or Tenements shall in no wise come into Mortmain, either in Part or in Whole, neither by Policy ne Craft, contrary to the Form of the Statute made thereupon of late. (2) And it is to wit, that this Statute extendeth but only to Lands holden in Fee simple; (3) and that it extendeth to the time coming, and it shall begin to take Effect at the Feast of Saint *Andrew* the Apostle next coming. Given the eighteenth Year of the Reign of King *Edward* Son to King *Henry*.

^{9 H. 3. stat. 1. c. 32.*}
Add 7 Ed. 1. stat. 2. 13 Ed. 1. stat. 1. c. 32. and 34 Ed. 1. stat. 3. And see 18 Ed. 3. stat. 3. c. 3. 15 R. 2. c. 5. 23 H. c. 10. restraining Alienations in Mortmain. 1 & 2 P. & M. c. 8. permitting them to Spiritual Corporations. 39 Eliz. c. 5. 21 Jac. c. 1. 13 & 14 Car. 2. c. 12. permitting them for the Benefit of the Poor, &c. 7 & 8 W. 3. c. 37. empowering the Crown to grant Licences to alien in Mortmain. And 9 Geo. c. 36. restraining Gifts in Mortmain by Will.

* For c. 32. Read c. 36.

CAP. V.

Assurance of Lands to certain Places, Persons, and Uses, shall be adjudged Mortmain.

ITEM, Whereas it is contained in the Statute De religiosis, That no ^{7 Ed. 1. statute. 2.} Religious, nor other whatsoever he be, do buy or sell, or under Colour of Gift, or Term, or any other Manner of Title whatsoever, receive of any Man, or in any Manner by Gift or Engine cause to be appropriated unto him any Lands or Tenements, upon Pain of Forfeiture of the same, whereby the said Lands and Tenements in any Manner might come to Mortmain. (2) And if any Religious,

or any other, do against the said Statute by Art or Engine in any Manner, that it be lawful to the King, and to other Lords, upon the

It is within the Compass of the Statute of Mortmain to convert any Land to a Church-yard.

Mortmain where
some be seised of
Lands to the Use of
religious or spiritual
Persons.

Mortmain to
purchase Lands to
Gilds, Fraternities,
Offices,
Commonalties.

Mortmain in
respect of taking
of Lands in Use,
8 H. 4. f. 15.

1. Co. 123.
9 H. 3. stat. 1.
c. 36. 13 Ed. 1. stat. 1. c. 32. Add 18 Ed. 1. stat. 1. c. 3. 18 Ed. 3. stat. 3. c. 3. 23 H. 8. c. 10. 6 Geo.
2. c. 36. See farther 1 & 2 P. & M. c. 8. 39 Eliz. c. 5. 21 Jac. 1. c. 1. 13 & 14 Car. 2. c. 12. 7 & 8
W. 3. c. 37. and 9 Geo. 2. c. 36. restraining Gifts in Mortmain by Will.

said Lands and Tenements to enter, as in the said Statute doth more fully appear. (3) And now of late by subtile Imagination, and by Art, and Engine, some religious Persons, Parsons, Vicars, and other spiritual Persons, have entered in divers Lands and Tenements, which be adjoining to their Churches, and of the same, by Sufferance and Assent of the Tenants, have made Church-yards, and by Bulls of the Bishop of Rome have dedicated and hallowed the same, and in them do make continually Parochial Burying without Licence of the King and of the chief Lords; therefore it is declared in this Parliament, That it is manifestly within the Compass of the said Statute. (4) And moreover it is agreed and assented, That all they that be possessed by Feoffment, or by other Manner, to the Use of religious People, or other spiritual Persons, of Lands and Tenements, Fees, Advowsons, or any Manner other Possessions whatsoever, to mortise them, and whereof the said religious and spiritual Persons take the Profits, that betwixt this and the Feast of St. Michael next coming, they shall cause them to be amortified by the Licence of the King and of the Lords, or else that they shall sell and aliene them to some other Use between this and the said Feast, upon Pain to be forfeited to the King, and to the Lords, according to the Form of the said Statute of Religious, as Lands purchased by religious People: (5) And that from henceforth no such Purchase be made, so that such religious or other spiritual Persons take thereof the Profits, as afore is said, upon Pain aforesaid. (6) And that the same Statute extend and be observed of all Lands, Tenements, Fees, Advowsons, and other Possessions, purchased, or to be purchased to the Use of Gilds or Fraternities. (7) And moreover it is assented, because Mayors, Bailiffs, and Commons of Cities, Boroughs, and other Towns which have a perpetual Commonalty, and others which have Offices perpetual, be as perpetual as People of Religion, that from henceforth they shall not purchase to them, and to their Commons or Office, upon Pain contained in the said Statute De religiosis. (8) And whereas others be possessed, or hereafter shall purchase to their Use, and they thereof take the Profits, it shall be done in like Manner as is afore said of People of Religion.

CAP. XII.

A Mean to help and speed poor Persons in their Suits.

PRAYEN the Commons in this present Parliament assembled, That where the King our Sovereign Lord, of his most gracious Disposition, willeth and intendeth indifferent Justice to be had and ministered according to his Common Laws, to all his true Subjects, as well to the Poor as Rich, which poor Subjects be not of Ability ne Power to sue according to the Laws of this Land for the redress of Injuries and Wrongs to them daily done, as well concerning their Persons and their Inheritance, as other Causes: (2) For Remedy whereof, in the Behalf of the poor Persons of this Land, not able to sue for their Remedy after the Course of the Common Law; be it ordained and enacted by your Highness, and by the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That every poor Person or Persons, which have, or hereafter shall have Cause of Action or Actions against any Person or Persons within this Realm, shall have by the Discretion of the Chancellor of this Realm for the time being, Writ or Writs Original, and Writs of Subpoena, according to the Nature of their Causes, therefore nothing paying to your Highness for the Seals of the same, nor to any Person for the writing of the same Writ and Writs to be hereafter sued; (3) and that the said Chancellor for the time being shall assign such of the Clerks which shall do and use the making and writing of the same Writs, to write the same ready to be sealed, and also learned Counsel and Attornies for the same, without any Reward taken therefore: (4) And after the said Writ or Writs be returned, if it be afore the King in his Bench, the Justices there shall assign to the same poor Person or Persons, Counsel learned, by their Discretions, which shall give their Counsels, nothing taking for the same: (5) And likewise the Justices shall appoint Attorney and Attornies for the same poor Person or Persons, and all other Officers requisite and necessary to be had for the Speed of the said Suits to be had and made, which shall do their Duties without any Reward for their Counsels, Help, and Business in the same: (6) And the same Law and Order shall be observed and kept of all such Suits to be made afore the King's Justices of his Common Place, and Barons of his Exchequer, and all other Justices in the Courts of Record where any such Suit shall be.

See 2. Geo. 2. c. 28.
f. 8. declaring what
Persons sued by
Capias may defend
in Forma Pauperis.

CAP. X.

An Act concerning Uses [and Wills].

WHERE, by the common laws of this Realm, lands, tenements and hereditaments be not devisable by testament, nor ought to be transferred from one to another, but by solemn livery and seisin, matter of record, writing sufficient made bonâ fide, without covin or fraud; yet nevertheless divers and sundry imaginations, subtle inventions and practices have been used, whereby the hereditaments of this Realm have been conveyed from one to another by fraudulent feoffments, fines, recoveries and other assurances craftily made to secret uses, intents, and trusts; and also by wills and testaments, sometime made by nude parolx and words, sometime by signs and tokens, and sometime by writing, and for the most part made by such persons as be visited with sickness, in their extreme agonies and pains, or at such time as they have scantly had any good memory or remembrance; at which times they being provoked by greedy and covetous persons lying in wait about them, do many times dispose indiscreetly and unadvisedly their lands and inheritances; by reason whereof, and by occasion of which, fraudulent feoffments, fines, recoveries, and other like assurances to uses, confidences and trusts, divers and many heirs have been unjustly at sundry times disinherited, the lords have lost their wards, marriages, reliefs, harriots, escheats, aids pur fair fitz chivalier, et pur file marier, and scantly any person can be certainly assured of any lands by them purchased, nor know surely against whom they shall use their actions or executions for their rights, titles, and duties; also men married have lost their tenancies by the curtesy, women their dowers, manifest perjuries by trial of such secret wills and uses have been committed; the King's Highness has lost the profits and advantages of the lands of persons attainted, and of the lands craftily put in feoffments to the use of aliens born, and also the profits of wase for a year and a day of lands of felons attainted, and the lords their escheats thereof; and many other inconveniences have happened, and daily do increase among the King's subjects, to their great trouble and inquietness, and to the utter subversion of the ancient common laws of this Realm, for the extirping and extinguishment of all such subtle practiced feoffments, fines, recoveries, abuses, and errors heretofore used and accustomed in this Realm to the subversion of the good and ancient laws of the same, and to the intent that the King's Highness, or any other his subjects of this Realm, shall not in anywise hereafter by any means or inventions be deceived, damaged, or hurt, by reason of such trusts, uses or confidences: It may please the King's Royal Majesty that it may be enacted:—

1. That where any person or persons stand or be seized, or at any time hereafter shall happen to be seized, of and in any honours, castles, manors, lands, tenements, rents, services, reversions, remainders, or other hereditaments, to the use, confidence, or trust of any other person or persons, or of any body politic, by reason of any bargain, sale, feoffment, fine, recovery, covenant, contract, agreement, will or otherwise, by any manner means whatsoever it be; in every such case, all and every such person and persons, and bodies politic, that have or hereafter shall have any such use, confidence, or trust in fee-simple, fee-tail, for time of life or for years, or otherwise, or any use, confidence, or trust in remainder or reverter, shall from henceforth stand and be seized, deemed and adjudged in lawful seisin, estate, and possession of and in the same honours, castles, manors, lands, tenements, rents, services, reversions, remainders, and hereditaments, with their appurtenances, to all intents, constructions and purposes in the law, of and in such like estates as they had or shall have in use, trust, or confidence of or in the same:

The possession of lands shall be in him or them that have the use.

And that the estate, right, title and possession, that was in such person or persons that were, or hereafter shall be, seized of any lands, tenements, or hereditaments, to the use, confidence or trust of any such person or persons, or of any body politic, be from henceforth clearly deemed and adjudged to be in him or them that have or hereafter shall have such use, confidence, or trust, after such quality, manner, form, and condition as they had before, in or to the use, confidence, or trust that was in them.

2. That where divers and many persons be, or hereafter shall happen to be, jointly seized of and in any lands, tenements, rents, reversions, remainders, or other hereditaments, to the use, confidence, or trust of any of them that be so jointly seized: in every such case that or those person or persons which have or hereafter shall have any such use, confidence or trust in any such lands, tenements, rents, reversions, remainders, or hereditaments, shall from henceforth have, and be deemed and adjudged to have, only to him or them that have or hereafter shall have such use, confidence, or trust, such estate, possession, and seisin of and in the same lands, tenements, rents, reversions, remainders, and other hereditaments, in like nature, manner, and form, condition, and course as he or they had before in the use, confidence or trust of the same lands, tenements, or hereditaments:

Assurance made of divers persons to the use of one or some of them.

Saving and reserving to all and singular persons and bodies politic, their heirs and successors, other than those person or persons which be seized or hereafter shall be seized of any lands, tenements or hereditaments, to any use, confidence, or trust, all such right, title, entry, interest, possession, rents, and action as they or any of them had, or might have had, before the making of this Act.

Saving of the right
of feoffees to uses.

And also saving to all and singular those persons, and to their heirs, which be or hereafter shall be seised to any use, all such former right, title, entry, interest, possession, rents, customs, services, and action as they or any of them might have had to his or their own proper use, in or to any manors, lands, tenements, rents or hereditaments, whereof they be or hereafter shall be seised to any other use, as if this present Act had never been had nor made; anything contained in this Act to the contrary notwithstanding.

Land assured to the
use that rent should
be paid out thereof
to some other.

3. And that where also divers persons stand and be seised of and in any lands, tenements, or hereditaments in fee simple or otherwise, to the use or intent that some other person or persons shall have and perceive yearly to them, and to his or their heirs, one annual rent of x. li., or more or less, out of the same lands and tenements, and some other person one other annual rent, to him and his assigns for time of life or years, or for some other special time, according to such intent and use as hath been heretofore declared, limited and made thereof:

BE IT ENACTED—That in every such case the same persons, their heirs and assigns, that have such use and interest, to have and perceive any such annual rents out of any lands, tenements or hereditaments, they and every of them, their heirs and assigns, be adjudged and deemed to be in possession and seisin of the same rent of and in such like estate as they had in the title, interest, or use of the said rent or profit, and as if a sufficient grant or other lawful conveyance had been made and executed to them, by such as were or shall be seised to the use or intent of any such rent to be had, made, or paid, according to the very trust and intent thereof:

And that all and every such person and persons as have, or hereafter shall have, any title, use, and interest in or to any such rent or profit, shall lawfully distrain for non-payment of the said rent, and in their own names make avowries, or by their bailiffs or servants make conisances and justifications, and have all other suits, entries and remedies for such rents, as if the same rents had been actually and really granted to them, with sufficient clauses of distress, re-entry, or otherwise according to such conditions, pains, or other things limited and appointed, upon the trust and intent for payment or surety of such rent.

A woman shall not
have both a jointure
and dower of her
husband's lands.

4. Whereas divers persons have purchased or have estate made and conveyed of and in divers lands, tenements and hereditaments unto them and to their wives, and to the heirs of the husband, or to the husband and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies begotten, or to the husband and to the wife for time of their lives, or for time of life of the said wife; or where any such estate or purchase of any lands,

tenements, or hereditaments hath been or hereafter shall be made to any husband and to his wife, in manner and form above expressed, or to any other person or persons, and to their heirs and assigns, to the use and behoof of the said husband and wife, or to the use of the wife, as is before rehearsed, for the jointer of the wife;

That then, in every such case, every woman married having such jointer made, or hereafter to be made, shall not claim nor have title to have any dower of the residue of the lands, tenements, or hereditaments that at any time were her said husband's, by whom she hath any such jointer, nor shall demand nor claim her dower of and against them that have the lands and inheritances of her said husband; but if she have no such jointer, then she shall be admitted and enabled to pursue, have and demand her dower by writ of dower, after the due course and order of the common laws of this realm, this Act or any law or provision made to the contrary thereof notwithstanding.

5. Provided always, that if any such woman be lawfully expelled or evicted from her said jointer, or from any part thereof, without any fraud or covin, by lawful entry, action, or by discountenance of her husband, then every such woman shall be endowed of as much of the residue of her husband's tenements or hereditaments whereof she was before dowable as the same lands and tenements so evicted and expelled shall amount or extend unto.

A woman shall be endowed whose jointure is recovered.

7. Provided also, that if any wife have or hereafter shall have any manors, lands, tenements, or hereditaments unto her given or assured after marriage, for time of her life, or otherwise in jointer, except the same assurance be to her made by Act of Parliament, and the said wife after that fortune to overlive the same her husband, in whose time the said jointer was made or assured unto her, that then the same wife so overliving shall and may at her liberty, after the death of her said husband, refuse to have and take the lands and tenements so to her given, appointed, or assured during the coverture for time of her life, or otherwise in jointer, except the same assurance be to her made by Act of Parliament as is aforesaid; and thereupon to have, ask, demand, and take her dower by writ of dower or otherwise, according to the common law, of and in all such lands, tenements, and hereditaments as her husband was and stood seised of any state of inheritance at any time during the coverture, anything contained in this Act to the contrary in anywise notwithstanding.

A jointure after marriage may be taken or refused by the wife.

8. Provided also, that this Act, nor any thing therein contained or expressed, extend or be in any wise hurtful or prejudicial to any woman or women heretofore being married, of, for or concerning such right, title, use, interest or possession, as they or any of them have, claim, or pretend to have for her or their jointer or dower, of,

Women heretofore married.

in or to any manors, lands, tenements, or other hereditaments of any of their late husbands, being now dead or deceased; any thing contained in this Act to the contrary notwithstanding.

CAP. IX.

The Bill of Bracery and buying of Titles.

THE King our Sovereign Lord, calling to his most blessed Remembrance, that there is nothing within this Realm that conserveth his loving Subjects in more Quietness, Rest, Peace and good Concord, than the due and just Ministration of his Laws, and the true and indifferent Trials of such Titles and Issues, as been to be tried according to the Laws of this Realm, (2) which his most Royal Majesty perceiveth to be greatly hindred and letted by Maintenance, Embracery, Champerty, Subornation of Witnesses, sinister Labour, Buying of Titles, and pretended Rights of Persons not being in Possession, (3) whereupon great Perjury hath ensued; and much Inquietness, Oppression, Vexation, Troubles, Wrongs and Disinheritance hath followed among his most loving Subjects, to the great Displeasure of Almighty God, the Discontentation of his Majesty, and to the great Hindrance and Let of Justice within this his Realm: (4) For the avoiding of all which Misdemeanors, and Buying of Titles and pretended Rights, and to the Intent that Justice may be more fully and indifferently ministred, and the Truth in Causes of Contention plainly tried between his Subjects of this Realm: (5) Be it enacted by our said Sovereign Lord, with the Assent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That from henceforth all Statutes heretofore made concerning Maintenance, Champerty and Embracery, or any of them, now standing and being in their full Strength and Force, shall be put in due Execution, according to the Tenures and Effects of the same Statutes.

2. And over that, be it further enacted by the Authority aforesaid, That no Person nor Persons, of what Estate, Degree or Condition soever he or they be, shall from henceforth bargain, buy, or sell, or by any Ways or Means obtain, get or have any pretended Rights or Titles, or take Promise, Grant or Covenant to have any Right or Title of any Person or Persons, in or to any Manors, Lands, Tenements or Hereditaments (except such Person or Persons, which shall so bargain, sell, give, grant, covenant or promise the same, their

1 Roll 447. 4 Mod.
84. Savil 42.
3 Ed. 1. c. 28 &
33. 13 Ed. 1. stat.
1. c. 49. 28 Ed. 1.
stat. 3. c. 11.
33 Ed. 1. stat. 3.
1. Ed. 3. stat. 2.
c. 14. 4 Ed. 3. c.
11. 20 Ed. 3. c. 4.
1 Rich. 2. c. 4.
7 R. 2. c. 15.
All Statutes made
concerning Maintenance,
Embracery and
Champerty, shall be put
in Execution.
1 Leon. 166. 208.
2 Leon. 39. 48.
Co. pl. f. 258. 364.
Moor 266. pl 414.
3 Leon. 233.
Hob. 115.
Godb. 450.
Goldsb. 101. pl. 6.
Hetley 164.
Plowd. 78. Dyer
74. 4 Co. 26.
Bro. Maintenance
38. Cro. El. 257.
Cro. Car. 43. 232.
1 Ld. Raymond 537.

None shall buy any
pretenced Right in any
Land, unless the Seller
hath taken the Profit
thereof one Year before.
1 Anders 76. 78. 201.

Ancestors, or they by whom he or they claim the same, have been in Possession of the same, or of the Reversion or Remainder thereof, or taken the Rents or Profits thereof, by the Space of one whole Year next before the said Bargain, Covenant, Grant or Promise made) (2) upon Pain that he that shall make any such Bargain, Sale, Promise, Covenant or Grant, to forfeit the whole value of the Lands, Tenements or Hereditaments, so bargained, sold, promised, covenanted or granted, contrary to the Form of this Act; (3) and the Buyer and Taker thereof, knowing the same, to forfeit also the Value of the said Lands, Tenements or Hereditaments so by him bought or taken as is abovesaid; (4) the one Half of the said Forfeitures to be to the King our Sovereign Lord, and the other Half to the Party that will sue for the same in any of the King's Courts of Record, by Action of Debt, Bill, Plaint or Information; in which Action, Bill, Plaint or Information, no Essoin, Protection, Wager of Law, nor Injunction shall be allowed.

3. And furthermore, That no manner of Person or Persons, of what Estate, Degree or Condition soever he or they be, do hereafter unlawfully maintain, or cause, or procure any unlawful Maintenance, in any Action, Demand, Suit or Complaint in any of the King's Courts of the Chancery, the Star-Chamber, Whitehall, or elsewhere within any of the King's Dominions of England and Wales, or the Marches of the same, where any Person or Persons have or hereafter shall have Authority, by Virtue of the King's Commission, Patent or Writ, to hold Plea of Lands, or to examine, hear or determine any Title of Lands, or any Matter or Witnesses concerning the Title, Right or Interest of any Lands, Tenements or Hereditaments; (2) and also that no Person nor Persons, of what Estate, Degree or Condition soever he or they be, do hereafter unlawfully retain, for Maintenance of any Suit or Plea, any Person or Persons, or embrace any Freeholders or Jurors, or suborn any Witness, by Letters, Rewards, Promises, or any other sinister Labour or Means, for to maintain any Matter or Cause, or to the Disturbance or Hindrance of Justice, or to the Procurement or Occasion of any manner of Perjury by false Verdict or otherwise, in any manner of Courts aforesaid, (3) upon Pain to forfeit for every such Offence x. li. the one Moiety thereof unto the King our Sovereign Lord, and the other Moiety to him that will sue for the same by Action of Debt, Bill, Plaint or Information in any the King's Courts; in which Action, no Essoin, Protection, Wager of Law, nor Injunction shall be allowed.

4. Provided alway, and be it enacted by the Authority aforesaid, That it shall be lawful to any Person or Persons being in lawful Possession by taking of the yearly Farm, Rents or Profits, of or for any Manors, Lands, Tenements or Hereditaments, to buy, obtain, get or have, by any reasonable Ways or Means, the pretended Right

Unlawful maintaining of a Suit depending in any of the King's Courts. Goldsb. 113. pl. 1. Rast. pl. f. 430. 5 El. c. 9. The Penalty is enlarged to 40 l. by 5 El. c. 9. s. 3. Bro. Maintenance. 1. 3. 5. 6. 7. 8. 9. 13. 14. 16. 17. 18. 19. 20. 24. 27. 28. 30. 32. 34. 39. 40. 41. 42. 43. 48. 49. 50. 51. 53.

Purchasing of a pretended Title by him that is in Possession is lawful. Dyer 53.

or Title of any other Person or Persons, hereafter to be made to, of, or in such Manors, Lands, Tenements or Hereditaments, whereof he or they shall so be in lawful Possession; any Thing in this Act contained to the contrary notwithstanding.

Proclamation of
the Statutes of
Maintenance,
Champerty, &c.
shall be made at
the Assises.

5. And for the due Execution of this present Act, be it further enacted by Authority abovesaid, That the Justices of Assise of every Circuit within this Realm, and elsewhere within the King's Dominions, shall in every County within their Circuits, two Times in the Year, that is to say, in the Time of their Sittings for the taking of Assises or Delivery of the Gaols, cause open Proclamation to be made, as well of this present Act, and of every Thing therein contained, (2) as also of all other Statutes heretofore made against unlawful Maintenance, Champerty, Embracery or unlawful Retainers, to the Intent that no manner of Person or Persons, hearing the same, should be ignorant or miscognisant of the Dangers and Penalties therein contained and specified.

Within what
Time the Offender
shall be sued.
Rast. 119, 427.
Co. pl. f. 163.
Co. Lit. 369. a.

6. Provided alway, and be it enacted by the Authority aforesaid, That this Act shall not extend to charge any Person or Persons with any of the Penalties mentioned in the said Act, for any Offence by him or them committed contrary to the said Act, except the same Person or Persons so offending be sued thereof by Action of Debt, Bill, Plaint or Information in any of the King's Courts, within one Year next after the same Offence by him or them committed, as is aforesaid.

CAP. XXXIV.

Concerning Grantees of Reversions to take Advantage of the Conditions to be performed by the Lessees.

1 Roll 81, 359.
2 Roll 170.
Cro. El. 457.
Cro. Jac. 521.
Godb. 161, pl. 227,
276, pl. 391.
Vaugh. 39.
Stile 326.
1 Mod. 192.
1 Show. 284, 285.
1 Saik. 185.
1 Vent. 10.
1 Sid. 401, 402.
2 Bulstr. 282.
Moor 93, pl. 230.
— 94, pl. 232.
— 159, pl. 300.
— 242, pl. 380.
— 243, pl. 382.
— 525, pl. 691.
— 527, pl. 693.

WHERE before this Time divers, as well Temporal as Ecclesiastical and Religious Persons, have made sundry Leases, Demises and Grants to divers other Persons, of sundry Manors, Lordships, Ferms, Meases, Lands, Tenements, Meadows, Pastures, or other Hereditaments, for Term of Life or Lives, or for Term of Years, by Writing under their Seal or Seals, containing certain Conditions, Covenants and Agreements to be performed, as well on the Part and Behalf of the said Lessees and Grantees, their Executors and Assigns, as on the Behalf of the said Lessors and Grantors, their Heirs and Successors; (2) and forasmuch as by the Common Law of this

Realm, no stranger to any Covenant, Action or Condition, shall take any Advantage or Benefit of the same, by any Means or Ways in the Law, but only such as be Parties or Privies thereunto, by the Reason whereof, as well all Grantees or Reversions, as also all Grantees and Patentees of the King our Sovereign Lord, of sundry Manors, Lordships, Granges, Fermes, Meases, Lands, Tenements, Meadows, Pastures, or other Hereditaments late belonging to Monasteries, and other Religious and Ecclesiastical Houses dissolved, suppressed, renounced, relinquished, forfeited, given up, or by other Means come to the Hands and Possession of the King's Majesty since the fourth Day of February, the seven and twentieth Year of his most noble Reign, be excluded to have any Entry or Action against the said Lessees and Grantees, their Executors or Assigns, which the Lessors before that Time might by the Law have had against the same Lessees for the Breach of any Condition, Covenant or Agreement comprised in the Indentures of their said Leases, Demises and Grants: (3) Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by Authority of the same, That as well all and every Person and Persons, and Bodies Politick, their Heirs, Successors and Assigns, which have or shall have any Gift or Grant of our said Sovereign Lord by his Letters Patents of any Lordships, Manors, Lands, Tenements, Rents, Parsonages, Tithes, Portions, or any other Hereditaments, or of any Reversion or Reversions of the same, which did belong or appertain to any of the said Monasteries, and other Religious and Ecclesiastical Houses, dissolved, suppressed, relinquished, forfeited, or by any other Means come to the King's Hands since the said fourth Day of February the seventh and twentieth Year of his most noble Reign, or which at any Time heretofore did belong or appertain to any other Person or Persons, and after came to the Hands of our said Sovereign Lord, (4) as also all other Persons being Grantees or Assignees to or by our said Sovereign Lord the King, or to or by any other Person or Persons than the King's Highness, and the Heirs, Executors, Successors and Assigns of every of them, (5) shall and may have and enjoy like Advantages against the Lessees, their Executors, Administrators and Assigns, by Entry for Non-payment of the Rent, or for doing of Waste or other Forfeiture; (6) and also shall and may have and enjoy all and every such like, and the same Advantage, Benefit and Remedies by Action only, for not performing of other Conditions, Covenants or Agreements contained and expressed in the Indentures of their said Leases, Demises or Grants, against all and every the said Lessees and Farmers and Grantees, their Executors, Administrators and Assigns, as the said Lessors or Grantors themselves, or their Heirs or Successors, ought, should, or might have had and enjoyed at any Time or Times, (7) in like Manner and Form, as if the Reversion of such Lands, Tenements or Hereditaments had

Grantees of Reversions may take Advantage of Conditions and Covenants against the Lessees of the same Lands. Moor 876. pl. 1228. Goldsb. 175. pl. 109. Plowd. f. 175. Dyer, f. 68, 131, 309. 3 Co. 62. 5 Co. 112. Bro. Entre congeable 139. Cro. El. 600, 863. Cro. Jac. 305. Cro. Car. 24, 44, 137.

not come to the Hands of our said Sovereign Lord, or as our said Sovereign Lord, his Heirs and Successors, should or might have had and enjoyed in certain Cases, by Virtue of the Act made at the first Session of this present Parliament, if no such Grant by Letters Patents had been made by his Highness.

Lessees may have
the like Remedy
against the Grantees
of the Reversions
which they might
have had against
their Grantors.
Dyer, f. 257.
3 Co. 63.
5 Co. 16.

2. Moreover be it enacted by Authority aforesaid, That all Farmers, Lessees and Grantees of Lordships, Manors, Lands, Tenements, Rents, Parsonages, Tithes, Portions, or any other Hereditaments for Term of Years, Life or Lives, their Executors, Administrators and Assigns, shall and may have like Action, Advantage and Remedy against all and every Person and Persons and Bodies Politick, their Heirs, Successors and Assigns, which have or shall have any Gift or Grant of the King our Sovereign Lord, or of any other Person or Persons, of the Reversion of the same Manors, Lands, Tenements, and other Hereditaments so letten, or any Parcel thereof, for any Condition, Covenant or Agreement contained or expressed in the Indentures of their Lease and Leases, as the same Lessees, or any of them might and should have had against the said Lessors and Grantors, their Heirs and Successors; (2) and all Benefits and Advantages of Recoveries in Value by Reason of any Warranty in Deed or in Law by Voucher or otherwise only excepted.

3. Provided always, That this Act, nor any Thing or Things therein contained, shall extend to hinder or charge any Person or Persons for the Breach of any Covenant or Condition comprised in any such Writing, as is aforesaid, but for such Covenants and Conditions as shall be broken or not performed, after the first Day of September next coming, and not before; any Thing before in this Act contained to the contrary thereof notwithstanding.

Co. Lit. 215.

CAP. IX.

The Penalty for
Maintenance of a
House for unlaw-
ful Games.

11. Be it also enacted by the Authority aforesaid, that no Manner of Person or Persons, of what Degree, Quality or Condition soever he or they be, from the Feast of the Nativity of St. John Baptist now next coming, by himself, Factor, Deputy, Servant or other Person, shall for his or their Gain, Lucre or Living, keep, have, hold, occupy, exercise or maintain, any common House, Alley or Place of bowling, coyting, cloysh-cayls, half bowl, tennis, dicing table or carding, or any other Manner of Game prohibited by any Estatute heretofore

made, or any unlawful new Game now invented or made, or any other new unlawful Game hereafter to be invented, found, had or made, (2) upon Pain to forfeit and pay for every Day, keeping, having or maintaining, or suffering any such Game to be had, kept, executed, played or maintained within any such House, Garden, Alley or other Place, contrary to the Form and Effect of this Estatute, forty Shillings.

21. Provided alway, and be it enacted by the Authority aforesaid, That if any Person or Persons have taken by Lease, whether it be by Word, Writing or otherwise, any House, Alley or Place, wherein any such unlawful Game now is, and at the Time of such Lease made, was used, that then every such Lessee shall, at the Liberty of him or them to whom such Lease is made, their Executors, Administrators or Assigns, from the said Feast of the Nativity of St. John Baptist, be utterly void, except it be for Breach of Covenants or Agreements, or Payment of Rent due or to be due at the said Feast, or any Time before, so that then at the same Feast, or within one Month next after the same, the said Lessee give Knowledge to such Lessor or Lessors, their Heirs and Assigns, that he will no longer occupy the same, and that then it shall be lawful to the Inheritor, Lessor or Owner thereof, or to his Heirs or Assigns, in the same House, Alley or Place, to re-enter.

Leases of Houses where unlawful Games be used.

CAP. XIV.

An Act to admit the Subject to plead the General Issue in Informations of Intrusions brought on the Behalf of the King's Majesty, and retain his Possession till Trial.

WHERE the King out of his Prerogative Royal may enforce the Subject in Informations of Intrusion brought against him, to a special Pleading of his Title; The King's most excellent Majesty out of his gracious Disposition towards his loving Subjects, and at their humble Suit being willing to remit a Part of his ancient and regal Power, is well pleased that it be enacted; (2) And be it enacted by the King's most excellent Majesty, the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That whensoever the King, his Heirs or Successors, and such from or under whom the King

In Informations of Intrusion, the Subject is allowed to plead the General Issue, and to retain Possession till Trial. 4 Inst. 116. Dyer 235.

claimeth, and all others claiming under the same Title under which the King claimeth, hath been or shall be out of Possession by the Space of twenty Years, or hath not or shall not have taken the Profits of any Lands, Tenements, or Hereditaments, within the Space of twenty Years before any information of Intrusion brought or to be brought, to recover the same; that in every such Case the Defendant or Defendants may plead the General Issue, if he or they so think fit, and shall not be pressed to plead specially; (3) and that in such Cases the Defendant or Defendants shall retain the Possession he or they had at the Time of such Information exhibited, until the Title be tried, found or adjudged for the King.

2. And be it further enacted, That where an Information of Intrusion may fitly and aptly be brought on the King's Behalf, that no Scire facias shall be brought, whereunto the Subject shall be forced to a special Pleading, and be deprived of the Grace intended by this Act. 17 Ed. 2. Stat. 1. c. 13.

CAP. I.

The Petition Exhibited to His Majesty by the Lords Spiritual and Temporal and Commons in this present Parliament assembled concerning diverse Rights and Liberties of the Subjects: with the Kings Majesties Royal Answer thereunto in full Parliament.

[1628.]

To the King's most Excellent Majesty.

HUMBLY show unto our Sovereign Lord the King the Lords Spiritual and Temporal and Commons in Parliament assembled, That whereas it is declared and enacted by a Statute made in the time of the Reign of King Edward the first commonly called Statutum de Tallagio non concedendo. That no Tallage or Ayde should be laid or levied by the King or his Heirs in this Realm without the good will and assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses and other the Freemen of the Commonalty of this Realm, And by Authority of Parliament holden in the five and twentieth year of

Reciting that by (25)
34 Ed. I. st. 4. c. 1.
by Authority of
Parliament holden 25
Ed. III. and by other
Laws of this Realm,
the King's Subjects
should not be taxed
but by Consent in
Parliament;

the reign of King Edward the third, it is declared and enacted, That from thenceforth no person should be compelled to make any Loans to the King against his will because such Loans were against reason and the franchise of the Land, And by other Laws of this Realm it is provided, that none should be charged by any charge or Imposition called a Benevolence nor by such like Charge by which the Statutes before mentioned and other the good laws and Statutes of this Realm you Subjects have inherited this Freedom That they should [not¹] be compelled to contribute to any Tax Tallage Ayde or other like Charge not set by common consent in Parliament.

2. YET nevertheless of late diverse Commissions directed to sundry Commissioners in several Counties with Instructions have issued, by means whereof your people have been in diverse places assembled and required to lend certain sums of money unto your Majesty, and many of them upon their refusal so to do have had an Oath administered unto them not warrantable by the Laws or Statutes of this Realm and have been constrained to become bound to make appearance and give attendance before your Privy Council and in other places; and others of them have been therefore imprisoned, confined and sundry other ways molested and disquieted. And divers other charges have been laid and levied upon your people in several Counties by Lord Lieutenants, Deputy Lieutenants, Commissioners for Musters, Justices of the Peace and others by Command or Direction from your Majesty or your Privy Council against the laws and free customs of the Realm.

and that Commissions have of late issued on which Proceedings have been had contrary to Law.

3. AND where also by the Statute called The great Charter of the Liberties of England, It is declared and enacted, That no Freeman may be taken or imprisoned or be disseised of his Freehold or Liberties or his free Customs or be outlawed or exiled or in any manner destroyed, but by the lawful Judgment of his Peers or by the Law of the Land.

Reciting 9 Hen. III. M.C. c.29.

4. AND in the eight and twentieth year of the reign of King Edward the third it was declared and enacted by authority of Parliament, that no man of what estate or condition that he be, should be put out of his Land or Tenements nor taken nor imprisoned nor disinherited nor put to death without being brought to answer by due process of law.

28 Edw. III. c. 3.

5. NEVERTHELESS against the tenor of the said Statutes and other the good laws and Statutes of your Realm to that end provided, diverse of your Subjects have of late been imprisoned

and that divers Subjects have been imprisoned without Cause shown, or Cause of Detainer certified:

¹ interlined on the Roll.

without any cause shown: And when for their deliverance they were brought before your Justices by your Majesty's Writs of Habeas corpus there to undergo and receive as the Court should order, and their Keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command signified by the Lords of your Privy Council, and yet were returned back to several prisons without being charged with anything to which they might make answer according to the Law.

and that Soldiers have been dispersed in divers Counties, and Inhabitants compelled to receive them.

6. AND whereas of late great Companies of Soldiers and Mariners have been dispersed into divers Counties of the Realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn against the Laws and Customs of this Realm and to the great grievance and vexation of the people.

25 E. III.

7. AND whereas also by authority of Parliament in the five and twentieth year of the Reign of King Edward the third it is declared and enacted that no man should be forejudged of life or limb against the form of the Great Charter and the Law of the Land, And by the said Great Charter, and other the Laws and Statutes of this your Realm no man ought to be adjudged to death but by the laws established in your Realm, either by the customs of the same Realm or by Acts of Parliament. And whereas no offender of what kind soever is exempted from the proceedings to be used and punishments to be inflicted by the Laws and Statutes of this your Realm, Nevertheless of late [time¹] divers Commissions under your Majesty's great Seal have issued forth, by which certain persons have been assigned and appointed Commissioners with power and authority to proceed within the land according to the justice of Martial Law against such soldiers or Mariners or other dissolute persons joining with them as should commit any murder, robbery, felony, mutiny or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to Martial Law and as is used in Armies in time of war to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the Law Martial.

and that Commissions have issued under the Great Seal for Proceedings according to Martial Law.

By pretext whereof some of your Majesty's Subjects have been by some of the said Commissioners put to death, when and where, if by the Laws and Statutes of the land they had deserved death, by the same Laws and Statutes also they might and by no other ought to have been judged and executed.

¹ interlined on the Roll.

AND also sundry grievous offenders by colour thereof claiming an exemption have escaped the punishments due to them by the Laws and Statutes of this your Realm, by reason that divers of your Officers and ministers of Justice have unjustly refused or forbore to proceed against such Offenders according to the same Laws and Statutes upon pretence that the said offenders were punishable only by Martial law and by authority of such Commissions as foresaid. Which Commissions and all other of like nature are wholly and directly contrary to the said Laws and Statutes of this your Realm.

8. THEY do therefore humbly pray your most Excellent Majesty, that no man hereafter be compelled to make or yield any gift Loan Benevolence Tax or such like Charge without common consent by Act of Parliament, And that none be called to make answer or take such Oath or to give attendance or be confined or otherwise molested or disquieted concerning the same or for refusal thereof. And that no freeman in any such manner as is before mentioned be imprisoned or detained. And that your Majesty would be pleased to remove the said Soldiers and Mariners and that your people may not be so burdened in time to come. And that the aforesaid Commissions for proceeding by Martial Law may be revoked and annulled. And that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, least by colour of them any of your Majesty's Subjects be destroyed or put to death contrary to the Laws and Franchise of the Land.

The Petition.

ALL which they most humbly pray of your most Excellent Majesty as their Rights and Liberties according to the Laws and Statutes of this Realm, and that your Majesty would also vouchsafe to declare that the Awards, doings and proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter into consequence or example. And that your Majesty would be also graciously pleased for the further comfort and safety of your people to declare your Royal will and pleasure, That in the things aforesaid all your Officers and Ministers shall serve you according to the Laws and Statutes of this Realm as they tender the Honor of your Majesty and the prosperity of this Kingdom.

Qua quidem Petiçoe tca & plenius intettca p dcm Dnm
Regem talitre est responsum in pleno Parlamento vidett.

R°. Soit droit fait come est desire.

CAP. XXIV.

An Act for taking away the Court of Wards and Liveries, and Tenures in Capite, and by Knights-Service, and Purveyance, and for settling a Revenue upon his Majesty in lieu thereof.

The Reasons of
this Act.

WHEREAS it hath been found by former Experience, That the Courts of Wards and Liveries, and Tenures by Knights-Service, either of the King or others, or by Knights-Service in Capite, or Socage in Capite of the King, and the Consequents upon the same, have been much more burthensome, grievous and prejudicial to the Kingdom, than they have been beneficial to the King: (2) And whereas since the Intermission of the said Court, which hath been from the four and twentieth Day of February which was in the Year of our Lord one thousand six hundred forty and five, many Persons have by Will and otherwise made Disposal of their Lands held by Knights-Service, whereupon divers Questions might possibly arise, unless some seasonable Remedy be taken to prevent the same; (3) Be'it therefore enacted by the King our Sovereign Lord, with the Assent of the Lords and Commons in Parliament assembled, and by the Authority of the same, and it is hereby enacted, That the Court of Wards and Liveries, and all Wardships, Liveries, Primer Seisins or Ousterlemains, Values and Forfeitures of Marriages, by reason of any Tenure of the King's Majesty, or of any other by Knights-Service, and all mean Rates, and all other Gifts, Grants, Charges incident or arising, for or by reason of Wardships, Liveries, Primer Seisins or Ousterlemains be taken away and discharged, and are hereby enacted to be taken away and discharged, from the said twenty-fourth Day of February one thousand six hundred forty-five; any Law, Statute, Custom or Usage to the contrary hereof in any wise notwithstanding: (4) And that all Fines for Alienations, Seizures and Pardons for Alienations, Tenure by Homage and all Charges incident or arising, for or by reason of Wardship, Livery, Primer Seisin, or Ousterlemain, or Tenure by Knights-Service, Escuage, and also Aid pur file marrier, and Pur fair fitz Chivalier, all other Charges incident thereunto, be likewise taken away and discharged, from the said twenty-fourth Day of February one thousand six hundred forty and five; any Law, Statute, Custom or Usage to the contrary hereof in any wise notwithstanding: (5) And that all Tenures by Knights-Service of the King, or of any other Person, and by Knights-Service in Capite, and by Socage in Capite of the King, and the Fruits and Consequents thereof, happened or which shall or may hereafter happen or arise thereupon or thereby, be taken away and discharged; any Law, Statute, Custom or Usage to the contrary hereof in any wise notwithstanding;

The Court of
Wards and
Liveries, Primer
Seisins, &c.
taken away.

Fines for
Alienations,
&c. taken away.

Tenures by
Knights-Service
taken away.
Mad. Hist. Exc. 432.
433.

(6) and all Tenures of any Honours, Manors, Lands, Tenements or Hereditaments, or any Estate of any Inheritance at the Common Law, held either of the King, or of any other Person or Persons, Bodies Politick or Corporate, are hereby enacted to be turned into free and common Socage, to all Intents and Purposes, from the said twenty-fourth Day of February one thousand six hundred forty-five, and shall be so construed, adjudged and deemed to be from the said twenty-fourth Day of February one thousand six hundred forty-five, and for ever thereafter turned into free and common Socage; any Law, Statute, Custom or Usage to the contrary hereof in any wise notwithstanding;

2. And that the same shall for ever hereafter stand and be discharged of all Tenure by Homage, Escuage, Voyages Royal and Charges for the same, Wardships incident to Tenure by Knights-Service, and Values and Forfeitures of Marriage, and all other Charges incident to Tenure by Knights-Service, and of and from Aide pur file marrier, and Aide pur fair fitz Chivalier; any Law, Statute, Usage or Custom to the contrary in any wise notwithstanding: (2) And that all Conveyances and Devices of any Manors, Lands, Tenements and Hereditaments made since the said twenty-fourth Day of February, shall be expounded to be of such Effect, as if the same Manors, Lands, Tenements and Hereditaments had been then held and continued to be holden in free and common Socage only; any Law, Statute, Custom or Usage to the contrary hereof in any wise notwithstanding.

Tenures by Homage, Escuage, &c. discharged.

3. And be it further ordained and enacted by the Authority of this present Parliament, That one Act made in the Reign of King Henry the Eighth, intituled, *An Act for the Establishment of the Court of the King's Wards*; and also one Act of Parliament made in the thirty-third Year of the Reign of the said King Henry the Eighth, concerning the Officers of the Court of Wards and Liveries, and every Clause, Article and Matter in the said Acts contained, shall from henceforth be repealed and utterly void.

The Acts of 32 H. 8. c. 46. & 33. H. 8. c. 22. repealed.

4. And be it further enacted by the Authority aforesaid, That all Tenures hereafter to be created by the King's Majesty, his Heirs or Successors, upon any Gifts or Grants of any Manors, Lands, Tenements or Hereditaments, of any Estate of Inheritance at the Common Law, shall be in free and common Socage, and shall be adjudged to be in free and common Socage only, and not by Knights-Service or in Capite, and shall be discharged of all Wardship, Value and Forfeiture of Marriage, Livery, Primer Seisin, Ousterlemain, Aide pur fair fitz Chivalier and pur file marrier; any Law, Statute Statute or Reservation to the contrary thereof in any wise notwithstanding.

All Tenures to be created by the King hereafter shall be free and common Socage.

Dyer 44. pl. 28.

CAP. III.

Contracts for Sales
of Goods for ten
Pounds or more.
Thuan Hist. lib. 39.
s. 23.

17. And be it further enacted by the Authority aforesaid, That from and after the said four and twentieth Day of June no Contract for the Sale of any Goods, Wares and Merchandizes, for the price of ten Pounds Sterling or upwards, shall be allowed to be good, except the Buyer shall accept Part of the Goods so sold, and actually receive the same, or give something in earnest to bind the Bargain, or in Part of Payment, or that some Note or Memorandum in Writing of the said Bargain be made and signed by the Parties to be charged by such Contract, or their Agents thereunto lawfully authorized.

NOTE.—*See* R.S. 1911, c. 203, s. 11.

Raymond 334.

22. And be it further enacted, That no Will in Writing concerning any Goods or Chattels, or Personal Estate, shall be repealed, nor shall any Clause, Device, or Bequest therein, be altered or changed by any Words, or Will by Word of Mouth only, except the same be in the Life of the Testator committed to Writing, and after the Writing thereof read unto the Testator, and allowed by him, and proved to be so done by three witnesses at the least.

Soldiers and
Mariners Wills
excepted.

23. Provided always, That notwithstanding this Act, any Soldier being in actual Military Service, or any Mariner or Seaman being at Sea, may dispose of his Moveables, Wages and Personal Estate, as he or they might have done before the making of this Act.

The Jurisdiction
of Courts saved.

24. And it is hereby declared, That nothing in this Act shall extend to alter or change the Jurisdiction or Right of Probate of Wills concerning Personal Estates, but that the Prerogative Court of the Archbishop of Canterbury, and other Ecclesiastical Courts, and other Courts having Right to the Probate of such Wills, shall retain the same Right and Power as they had before, in every respect; subject nevertheless to the Rules and Directions of this Act.

22 & 23 Car. 2.
c. 10.
Husbands not
compellable to
make Distribution
of the Personal
Estates of their
Wives.
1. Mod. 231.

25. And for the explaining one Act of this present Parliament, intituled, An Act for the better settling of Intestates Estates; (2) Be it declared by the Authority aforesaid, That neither the said Act, nor any Thing therein contained, shall be construed to extend to the Estates of Feme Coverts that shall die intestate, but that their Husbands may demand and have Administration of their Rights, Credits, and other Personal Estates, and recover and enjoy the same, as they might have done before the making of the said Act. [Made perpetual by 1 Jac. 2. c. 17. s. 5.]

CAP. II.

An Act for the better securing the Liberty of the Subject,
and for the Prevention of Imprisonment beyond the
Seas.

WHEREAS great Delays have been used by Sheriffs, Gaolers and other Officers, to whose Custody any of the King's Subjects have been committed for criminal or supposed criminal Matters, in making Returns of Writs of Habeas Corpus to them directed, by standing out an Alias and Pluries Habeas Corpus, and sometimes more, and by other Shifts to avoid their yielding Obedience to such Writs, contrary to their Duty and the known Laws of the Land, whereby many of the King's Subjects have been and hereafter may be long detained in Prison, in such Cases where by Law they are Bailable, to their great Charges and Vexation :

2. For the Prevention whereof, and the more speedy Relief of all Persons imprisoned for any such criminal or supposed criminal Matters; (2) Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority thereof, That whensoever any Person or Persons shall bring any Habeas Corpus directed unto any Sheriff or Sheriffs, Gaoler, Minister or other Person whatsoever, for any Person in his or their Custody, and the said Writ shall be served upon the said Officer, or left at the Gaol or Prison with any of the Under-Officers or Under-Keepers or Deputy of the said Officers or Keepers, that the said Officer or Officers, his or their Under-Officers, Under-Keepers or Deputies, shall within three Days after the Service thereof as aforesaid (unless the Commitment aforesaid were for Treason or Felony, plainly and specially expressed in the Warrant of Commitment) upon Payment or Tender of the Charges of bringing the said Prisoner, to be ascertained by the Judge or Court that awarded the same, and indorsed upon the said Writ, not exceeding twelve Pence per Mile, and upon Security given by his own Bond to pay the Charges of carrying back the Prisoner, if he shall be remanded by the Court or Judge to which he shall be brought according to the true Intent of this present Act, and that he will not make any Escape by the Way, make Return of such Writ; (3) and bring or cause to be brought the Body of the Party so committed or restrained, unto or before the Lord Chancellor, or Lord Keeper of the Great Seal of England for the Time being, or the Judges or Barons of the said Court from whence the said Writ shall issue, or unto and before such other Person or Persons before whom the said Writ is made returnable, according to the Command thereof;

Writs of Habeas Corpus within three Days after Service to be returned, and the Body brought, if within twenty Miles, &c. Vn. V. 14. 209, &c.

(4) and shall then likewise certify the true Causes of his Detainer or Imprisonment, unless the Commitment of the said Party be in any Place beyond the Distance of twenty Miles from the Place or Places where such Court or Person is or shall be residing; and if beyond the Distance of twenty Miles, and not above one hundred Miles, then within the Space of ten Days, and if beyond the Distance of One Hundred Miles, then within the Space of twenty Days, after such Delivery aforesaid, and not longer.

Such Writs how to
be marked.

Writs of Habeas
Corpus, and the
Proceeding thereon
in Vacation-time.

3. And to the Intent that no Sheriff, Gaoler or other Officer may pretend Ignorance of the Import of any such Writ; (2) Be it enacted by the Authority aforesaid, That all such Writs shall be marked in this Manner, Per Statutum tricesimo primo Caroli Secundi Regis, and shall be signed by the Person that awards the same; (3) and if any Person or Persons shall be or stand committed or detained as aforesaid, for any Crime, unless for Felony or Treason plainly expressed in the Warrant of Commitment, in the Vacation-Time, and out of Term, it shall and may be lawful to and for the Person or Persons so committed or detained (other than Persons Convict or in Execution by legal Process) or any one on his or their Behalf, to appeal or complain to the Lord Chancellor or Lord Keeper, or any one of His Majesty's Justices, either of the one Bench or of the other, or the Barons of the Exchequer of the Degree of the Coif; (4) and the said Chancellor, Lord Keeper, Justices or Barons or any of them, upon View of the Copy or Copies of the Warrant or Warrants of Commitment and Detainer, or otherwise upon Oath made that such Copy or Copies were denied to be given by such Person or Persons in whose Custody the Prisoner or Prisoners is or are detained, are hereby authorised, and required, upon Request made in Writing by such Person or Persons, or any on his, her or their Behalf, attested and subscribed by two Witnesses who were present at the Delivery of the same, to award and grant an Habeas Corpus under the Seal of such Court whereof he shall then be one of the Judges, (5) to be directed to the Officer or Officers in whose Custody the Party so committed or detained shall be, returnable immediate before the said Lord Chancellor or Lord Keeper, or such Justice, Baron or any other Justice or Baron of the Degree of the Coif of any of the said Courts; (6) and upon Service thereof as aforesaid, the Officer or Officers, his or their Under-Officer or Under-Officers, Under-Keeper or Under-Keepers, or their Deputy, in whose Custody the Party is so committed or detained, shall within the Times respectively before limited, bring such Prisoner or Prisoners before the said Lord Chancellor or Lord Keeper, or such Justices, Barons or one of them, before whom the said Writ is made returnable, and in case of his Absence before any other of them, with the Return of such Writ, and the true Causes of the Commitment and Detainer; (7) and thereupon within two Days after the Party

shall be brought before them, the said Lord Chancellor or Lord Keeper, or such Justice or Baron before whom the Prisoner shall be brought as aforesaid, shall discharge the said Prisoner from his Imprisonment, taking his or their Recognizance, with one or more Surety or Sureties, in any Sum according to their Discretions, having regard to the Quality of the Prisoner and Nature of the Offence, for his or their Appearance in the Court of King's Bench the Term following, or at the next Assizes, Sessions or General Gaol-Delivery of and for such County, City or Place where the Commitment was, or where the Offence was committed, or in such other Court where the said Offence is properly cognizable, as the Case shall require, and then shall certify the said Writ with the Return thereof, and the said Recognizance or Recognizances into the said Court where such Appearance is to be made; (8) unless it shall appear unto the said Lord Chancellor or Lord-Keeper, or Justice or Justices, or Baron or Barons, that the Party so committed is detained upon a legal Process, Order or Warrant, out of some Court that hath Jurisdiction of Criminal Matters, or by some Warrant signed and sealed with the Hand and Seal of any of the said Justices or Barons, or some Justice or Justices of the Peace, for such Matters or Offences for the which by the Law the Prisoner is not bailable.

4. Provided always, and be it enacted, That if any Person shall have wilfully neglected by the Space of two whole Terms after his Imprisonment, to pray a Habeas Corpus for his Enlargement, such Person so wilfully neglecting shall not have any Habeas Corpus to be granted in Vacation-time, in pursuance of this Act.

Persons neglecting two Terms to pray a Habeas Corpus, shall have none in Vacation-time in pursuance of this Act.

5. And be it further enacted by the Authority aforesaid, That if any Officer or Officers, his or their Under-Officer or Under-Officers, Under-Keeper or Under-Keepers, or Deputy, shall neglect or refuse to make the Returns aforesaid, or to bring the Body or Bodies of the Prisoner or Prisoners according to the Command of the said Writ, within the respective Times aforesaid, or upon Demand made by the Prisoner or Person in his Behalf, shall refuse to deliver, or within the Space of six Hours after Demand shall not deliver, to the Person so demanding, a true Copy of the Warrant or Warrants of Commitment and Detainer of such Prisoner, which he and they are hereby required to deliver accordingly; all and every the Head Gaolers and Keepers of such Prisons, and such other Person in whose Custody the Prisoner shall be detained, shall for the first Offence forfeit to the Prisoner or Party grieved the Sum of one hundred Pounds; (2) and for the second Offence the Sum of two hundred Pounds, and shall and is hereby made incapable to hold or execute his said Office; (3) the said Penalties to be recovered by the Prisoner or Party grieved, his Executors or Administrators, against such Offender, his Executors or Administrators, by any Action of Debt,

Officers how to be proceeded against for not obeying such Writs.

suit, Bill, Complaint or Information, in any of the King's Courts at Westminster, wherein no Essoin, Protection, Privilege, Injunction, Wager of Law, or Stay of Prosecution by Non vult ulterius prosequi, or otherwise, shall be admitted or allowed, or any more than one Imparlance; (4) and any Recovery or Judgment at the Suit of any Party grieved, shall be a sufficient Conviction for the first Offence; and any after Recovery or Judgment at the Suit of a Party grieved for any Offence after the first Judgment, shall be a sufficient Conviction to bring the Officers or Person within the said Penalty for the second Offence.

Persons set at large not to be recommitted but by Order of Court. 6. And for the Prevention of unjust Vexation by reiterated Commitments for the same Offence; (2) Be it enacted by the Authority aforesaid, That no Person or Persons which shall be delivered or set at large upon any Habeas Corpus, shall at any Time hereafter be again imprisoned or committed for the same Offence by any Person or Persons whatsoever, other than by the legal Order and Process of such Court wherein he or they shall be bound by Recognizance to appear, or other Court having Jurisdiction of the Cause; (3) and if any other Person or Persons shall knowingly contrary to this Act recommit or imprison, or knowingly procure or cause to be recommitted or imprisoned, for the same Offence or pretended Offence, any Person or Persons delivered or set at large as aforesaid, to be knowingly aiding or assisting therein, then he or they shall forfeit to the Prisoner or Party grieved the Sum of five hundred Pounds; any colourable Pretence or Variation in the Warrant or Warrants of Commitment notwithstanding, to be recovered as aforesaid.

Persons committed for Treason or Felony, shall be indicted the next Term, or let to Bail.

7. Provided always, and be it further enacted, That if any Person or Persons shall be committed for High Treason or Felony, plainly and specially expressed in the Warrant of Commitment, upon his Prayer or Petition in open Court the first Week of the Term, or first Day of the Sessions of Oyer and Terminer or General Gaol-Delivery, to be brought to his Trial, shall not be indicted some Time in the next Term, in the next Term, Sessions of Oyer and Terminer or General Gaol-Delivery, after such Commitment; it shall and may be lawful to and for the Judges of the Court of King's Bench and Justices of Oyer and Terminer, or General Gaol-Delivery, and they are hereby required, upon Motion to them made in open Court the last Day of the Term, Sessions or Gaol-Delivery, either by the Prisoner or any one in his Behalf, to set at Liberty the Prisoner upon Bail, unless it appear to the Judges and Justices upon Oath made, that the Witnesses for the King could not be produced the same Term, Sessions or General Gaol-Delivery; (2) and if any Person or Persons committed as aforesaid, upon his Prayer or Petition in open Court the first Week of the Term or first Day of the

And tried the Term. &c. after or discharged. 1 Vent. 346.

Sessions of Oyer and Terminer and General Gaol-Delivery, to be brought to his Trial, shall not be indicted and tried the second Term, Sessions of Oyer and Terminer or General Gaol-Delivery, after his Commitment, or upon his Trial shall be acquitted, he shall be discharged from his Imprisonment.

8. Provided always, That nothing in this Act shall extend to discharge out of Prison any Person charged in Debt, or other Action, or with Process in any Civil Cause, but that after he shall be discharged of his Imprisonment for such his criminal Offence, he shall be kept in Custody according to the Law, for such other Suit.

9. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons, Subjects of this Realm, shall be committed to any Prison or in Custody of any Officer or Officers whatsoever, for any criminal or supposed criminal Matter, that the said Person shall not be removed from the said Prison and Custody into the Custody of any other Officer or Officers; (2) unless it be by Habeas Corpus or some other legal Writ; or where the Prisoner is delivered to the Constable or other inferior Officer to carry such Prisoner to some common Gaol; (3) or where any Person is sent by Order of any Judge of Assize or Justice of the Peace, to any common Work-house or House of Correction; (4) or where the Prisoner is removed from one Prison or Place to another within the same County, in order to his or her Trial or Discharge in due Course of Law; (5) or in case of sudden Fire or Infection, or other Necessity; (6) and if any Person or Persons shall after such Commitment aforesaid make out and sign, or countersign any Warrant or Warrants for such Removal aforesaid, contrary to this Act, as well he that makes or signs, or countersigns such Warrant or Warrants as the Officer or Officers that obey or execute the same, shall suffer and incur the Pains and Forfeitures in this Act before mentioned, both for the first and second Offence respectively, to be recovered in Manner aforesaid by the Party grieved.

10. Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Prisoner and Prisoners as aforesaid, to move and obtain his or their Habeas Corpus as well out of the High Court of Chancery or Court of Exchequer, as out of the Courts of King's Bench or Common Pleas, or either of them; (2) and if the said Lord Chancellor or Lord Keeper, or any Judge or Judges, Baron or Barons for the Time being, of the Degree of the Coif, of any of the Courts aforesaid, in the Vacation-time, upon View of the Copy or Copies of the Warrant or Warrants of Commitment or Detainer, or upon Oath made that such Copy or Copies were denied as aforesaid, shall deny any Writ of Habeas Corpus by this Act required to be granted, being moved for

The Penalty for
denying a Habeas
Corpus.

as aforesaid, they shall severally forfeit to the Prisoner or Party grieved the Sum of five hundred Pounds, to be recovered in manner aforesaid.

Habeas Corpus
shall run in
Counties Palatine
and Privileged
Places.

11. And be it declared and enacted by the Authority aforesaid, That an Habeas Corpus according to the true Intent and Meaning of this Act, may be directed and run into any County Palatine, the Cinque-Ports, or other Privileged Places within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, and the Islands of Jersey or Guernsey; any Law or Usage to the contrary notwithstanding.

No Subject shall be
sent to foreign
Prisons.
2 Vent. 314.

12. And for preventing illegal Imprisonments in Prisons beyond the Seas; (2) Be it further enacted by the Authority aforesaid, That no Subject of this Realm that now is, or hereafter shall be an Inhabitant or Resiant of this Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, shall or may be sent Prisoner into Scotland, Ireland, Jersey, Guernsey, Tangier, or into Parts, Garrisons, Islands or Places beyond the Seas, which are or at any time hereafter shall be within or without the Dominions of his Majesty, his Heirs or Successors; (3) and that every such Imprisonment is hereby enacted and adjudged to be illegal; (4) and that if any of the said Subjects now is or hereafter shall be so imprisoned, every such Person or Persons so imprisoned, shall and may for every such Imprisonment maintain by virtue of this Act an Action or Actions of False Imprisonment, in any of his Majesty's Courts of Record, against the Person or Persons by whom he or she shall be so committed, detained, imprisoned, sent Prisoner or transported, contrary to the true Meaning of this Act, and against all or any Person or Persons, that shall frame, contrive, write, seal or countersign any Warrant or Writing for such Commitment, Detainer, Imprisonment or Transportation, or shall be advising, aiding or assisting in the same, or any of them; (5) and the plaintiff in every such Action shall have Judgment to recover his treble Costs, besides Damages, which Damages so to be given, shall not be less than five hundred Pounds; (6) in which Action no Delay, Stay or Stop of Proceeding by Rule, Order or Command, nor no Injunction, Protection or Privilege whatsoever, nor any more than one Imparlance shall be allowed, excepting such Rule of the Court wherein the Action shall depend, made in open Court, as shall be thought in Justice necessary, for Special Cause to be expressed in the said Rule; (7) and the Person or Persons who shall knowingly frame, contrive, write, seal or countersign any Warrant for such Commitment, Detainer or Transportation, or shall so commit, detain, imprison or transport any Person or Persons contrary to this Act, or be any ways advising, aiding or assisting therein being lawfully convicted thereof, shall be disabled from thenceforth to bear any

The Penalty.

Office of Trust or Profit within the said Realm of England, Dominion of Wales, or Town of Berwick upon Tweed, or any of the Islands, Territories or Dominions thereunto belonging; (8) and shall incur and sustain the Pains, Penalties and Forfeitures limited, ordained and provided in and by the Statute of Provision and Praemunire made in the sixteenth Year of King Richard the Second; (9) and be incapable of any Pardon from the King, his Heirs or Successors, of the said Forfeitures, Losses or Disabilities, or any of them. 16 R. 2. c. 5.

13. Provided always, That nothing in this Act shall extend to give benefit to any Person who shall by Contract in Writing agree with any Merchant or Owner of any Plantation, or other Person whatsoever, to be transported to any Parts beyond the Seas, and receive Earnest upon such Agreement, although that afterwards such Person shall renounce such Contract. Persons receiving Earnest upon Contracts to be transported, excepted.

14. Provided always, and be it enacted, That if any Person or Persons lawfully convicted of any Felony, shall in open Court pray to be transported beyond the Seas, and the Court shall think fit to leave him or them in Prison for that Purpose, such Person or Persons may be transported into any Parts beyond the Seas, this Act, or any Thing therein contained to the contrary notwithstanding. Persons convicted of Felony, and praying Transportation, excepted.

15. Provided also, and be it enacted, That nothing herein contained shall be deemed, construed or taken, to extend to the Imprisonment of any Person before the first Day of June one thousand six hundred seventy and nine, or to any Thing advised, procured, or otherwise done, relating to such Imprisonment, any Thing herein contained to the contrary notwithstanding. Imprisonments before the first of June 1679, excepted.

16. Provided also, That if any Person or Persons at any Time resiant in this Realm, shall have committed any Capital Offence in Scotland or Ireland, or any of the Islands, or foreign Plantations of the King, his Heirs or Successors, where he or she ought to be tried for such Offence, such Person or Persons may be sent to such Place, there to receive such Trial, in such Manner as the same might have been used before the making of this Act; any Thing herein contained to the contrary notwithstanding. Offenders may be sent to be tried where their Offences were committed.

17. Provided also, and be it enacted, That no Person or Persons shall be sued, impleaded, molested or troubled for any Offence against this Act, unless the Party offending be sued or impleaded for the same within two Years at the most after such Time wherein the Offence shall be committed, in case the Party grieved shall not be then in Prison; and if he shall be in Prison, then within the Space of two Years after the Decease of the Person imprisoned, or his or her Delivery out of Prison, which shall first happen. Prosecutions for Offences within what Time to be made.

After the Assizes proclaimed, no Prisoner to be removed, but before the Judge of Assize.

18. And to the Intent no Person may avoid his Trial at the Assizes or General Gaol-Delivery, by procuring his removal before the Assizes, at such Time as he cannot be brought back to receive his Trial there; (2) Be it enacted, That after the Assizes proclaimed for the County where the Prisoner is detained, no Person shall be removed from the common Gaol upon any Habeas Corpus granted in pursuance of this Act, but upon any such Habeas Corpus shall be brought before the Judge of Assize in open Court, who is thereupon to do what to Justice shall appertain.

19. Provided nevertheless, That after the Assizes are ended, any Person or Persons detained, may have his or her Habeas Corpus according to the Direction and Intention of this Act.

In Suits for Offence against this Law, the Defendants may plead the General Issue, &c.

20. And be it also enacted by the Authority aforesaid, That if any Information, Suit or Action shall be brought or exhibited against any Person or Persons for any Offence committed or to be committed against the Form of this Law, it shall be lawful for such Defendants to plead the General Issue, that they are Not Guilty, or that they owe nothing, and to give such special Matter in Evidence to the Jury that shall try the same, which Matter being pleaded had been good and sufficient Matter of Law to have discharged the said Defendant or Defendants against the said Information, Suit or Action, and the said Matter shall be then as available to him or them, to all Intents and Purposes, as if he or they had sufficiently pleaded, set forth or alledged the same Matter in Bar or Discharge of such Information, Suit or Action.

Persons committed as Accessories before to Petty Treason or Felony, shall not be removed or bailed otherwise than before this Act made.

21. And because many Times Persons charged with Petty Treason or Felony, or as Accessories thereunto, are committed upon Suspicion only, whereupon they are bailable, or not, according as the Circumstances making out that Suspicion are more or less weighty, which are best known to the Justices of Peace that committed the Persons, and have the Examinations before them, or to other Justices of the Peace in the County; (2) Be it therefore enacted, That any Person shall appear to be committed by any Judge or Justice of the Peace, and charged as Accessary before the Fact, to any Petty Treason or Felony, or upon Suspicion thereof, or with Suspicion of Petty Treason or Felony, which Petty Treason or Felony shall be plainly and specially expressed in the Warrant of Commitment, that such Person shall not be removed or bailed by virtue of this Act, or in any other Manner than they might have been before the making of this Act.

CAP. XXX.

An Act to repeal the Statute made in the fifth Year of King Henry the Fourth, against the multiplying Gold and Silver.

WHEREAS by a Statute made and enacted in the Parliament held in the fifth Year of the Reign of King Henry the Fourth, late King of England, it was amongst other Things enacted in these Words, or to this Effect, namely, That none from thenceforth should use to multiply Gold or Silver, or use the Craft of Multiplication; and if any the same do, they should incur the Pain of Felony: And whereas since the making of the said Statute, divers Persons have by their Study, Industry, and Learning, arrived to great Skill and Perfection in the Art of melting and refining of Metals, and otherwise improving them and their Ores (which very much abound within this Realm) and extracting Gold and Silver out of the same; but dare not exercise their said Skill within this Realm, for fear of falling under the Penalty of the said Statute, but exercise the said Art in foreign Parts, to the great Loss and Detriment of this Realm:

5 H. 4. c. 4.
repealed.

2. Be it therefore enacted by the King's and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, That from henceforth the aforesaid Branch, Article, or Sentence contained in the said Act, and every Word, Matter, and Thing contained in the said Branch or Sentence, shall be repealed, annulled, revoked, and for ever made void; any Thing in the said Act to the contrary in any wise whatsoever notwithstanding.

3. Provided always, and be it enacted by the Authority aforesaid, That all the Gold and Silver that shall be extracted by the aforesaid Art of melting and refining of Metals, and otherwise improving of them and their Ores as before set forth, be from henceforth employed for no other Use or Uses whatsoever, but for the Increase of Monies; and that the Place hereby appointed for the Disposal thereof, shall be their Majesties' Mint within the Tower of London; at which Place they are to receive the full and true Value of their Gold and Silver so extracted from time to time, according to the Assay and Fineness thereof; and so for any greater or lesser Weight: And that none of that Metal of Gold and Silver, so refined and extracted, be permitted to be used or disposed of in any other Place or Places within their Majesties Kingdoms and Dominions.

Conditions of
Repeal.

Royal Mine,
Explained by 5 & 6
W. & M. c. c.

4. Provided also, and be it further enacted by the Authority aforesaid, That no Mine of Copper, Tin, Iron, or Lead, shall hereafter be adjudged, reputed, or taken to be a royal Mine, although Gold or Silver may be extracted out of the same.

CAP. II.

An Act declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown.

[1689.]

WHEREAS the Lords Spiritual and Temporal and Commons assembled at Westminster lawfully, fully and freely representing all the Estates of the People of this Realm did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty eight present unto their Majesties then called and known by the Names and Style of William and Mary, Prince and Princess of Orange being present in their proper Persons a certain Declaration in Writing made by the said Lords and Commons in the Words following viz

The Heads of
Declaration of Lords
and Commons, recited.

WHEREAS the late King James the Second by the Assistance of diverse evil Councillors, Judges and Ministers employed by him did endeavour to subvert and extirpate the Protestant Religion and the Laws and Liberties of this Kingdom

Dispensing and
Suspending Power.

By Assuming and Exercising a Power of Dispensing with and Suspending of Laws and the Execution of Laws without Consent of Parliament.

Committing Prelates.

By Committing and Prosecuting diverse Worthy Prelates for humbly Petitioning to be excused from Concurring to the said Assumed Power.

Ecclesiastical
Commission.

By issuing and causing to be executed a Commission under the Great Seal for Erecting a Court called The Court of Commissioners for Ecclesiasticall Causes.

Levying Money.

By Levying Money for and to the Use of the Crown by pretence of Prerogative for other time and in other manner then the same was granted by Parliament.

Standing Army.

By raising and keeping a Standing Army within this Kingdom in time of Peace without Consent of Parliament and Quartering Soldiers contrary to Law.

Disarming
Protestants, &c.

By causing several good Subjects being Protestants to be disarmed at the same time when Papists were both Armed and Employed contrary to Law.

By violating the Freedom of Election of Members to serve in Parliament. Violating Elections.

By Prosecutions in the Court of Kings Bench for Matters and Causes cognizable only in Parliament and by diverse other Arbitrary and Illegal Courses. Illegal Prosecutions.

And whereas of late years, Partial Corrupt and Unqualified Persons have been returned and served on Juries, in Trials and particularly diverse Jurors in Trials for High Treason which were not Freeholders. Juries.

And excessive bail hath been required of Persons committed in Criminal Cases to elude the Benefit of the Laws made for the Liberty of the Subjects. Excessive Bail.

And excessive Fines have been imposed. Fines. Punishments.

And illegal and cruel Punishments inflicted.

And several Grants and Promises made of Fines and Forfeitures before any Conviction or Judgment against the persons upon whom the same were to be levied. Grants of Fines, &c. before Conviction, &c.

All which are utterly and directly contrary to the known Laws and Statutes and Freedom of this Realm.

And whereas the said late King James the Second having Abdicated the Government and the Throne being thereby Vacant His [Highness¹] the Prince of Orange (whom it hath pleased Almighty God to make the glorious Instrument of Delivering this Kingdom from Popery and Arbitrary Power) did (by the Advice of the Lords Spiritual and Temporal and diverse principal Persons of the Commons) cause Letters to be written to the Lords Spiritual and Temporal being Protestants and other Letters to the several Counties, Cities, Universities, Boroughs and Cinque Ports for the Choosing of such Persons to represent them as were of right to be sent to Parliament to meet and sit at Westminster upon the two and twentieth day of January in this Year one thousand six hundred eighty and eight in order to such an Establishment as that their Religion, Laws and Liberties might not again be in danger of being Subverted. Upon which Letters Elections having been accordingly made. Recital that the late King James II. had abdicated the Government, and that the Throne was vacant, and that the Prince of Orange had written Letters to the Lords and Commons for the choosing Representatives in Parliament.

And thereupon the said Lords Spiritual and Temporal and Commons pursuant to their respective Letters and Elections being now assembled in a full and free Representative of this Nation taking into their most serious Consideration the best means for attaining the Ends aforesaid Do in the first place (as their Ancestors in like Case have usually done) for the Vindicating and Asserting their ancient Rights and Liberties. Declare The Subject's Rights.

That the pretended Power of Suspending of Laws or the Execution of Laws by Regal Authority without Consent of Parliament is illegal. Dispensing Power.

¹ Highness O.

Late dispensing Power.	That the pretended Power of Dispensing with Laws or the Execution of Laws by Regal Authority as it hath been assumed and exercised of late is illegal.
Ecclesiastical Courts illegal.	That the Commission for erecting the late Court of Commissioners for Ecclesiastical Causes and all other Commissions and Courts of like nature are Illegal and Pernicious.
Levying Money.	That levying Money for or to the Use of the Crown by pretence of Prerogative without Grant of Parliament for longer time or in other manner then the same is or shall be granted is Illegal.
Right to petition.	That it is the Right of the Subjects to petition the King and all Commitments and Prosecutions for such Petitioning are Illegal.
Standing Army.	That the raising or keeping a standing Army within the Kingdom in time of peace unless it be with Consent of Parliament is against the Law.
Subject's Arms.	That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law.
Freedom of Election.	That Election of Members of Parliament ought to be free.
Freedom of Speech.	That the Freedom of Speech and Debates or Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament.
Excessive Bail.	That excessive Bail ought not to be required nor excessive Fines imposed nor cruel and unusual Punishments inflicted.
Juries.	That Jurors ought to be duly impaneled and returned and Jurors which pass upon Men in Trials for High Treason ought to be Freeholders.
Grants of Forfeitures.	That all Grants and Promises of Fines and Forfeitures of particular persons before Conviction are illegal and void.
Frequent Parliaments.	And that for Redress of all Grievances and for the amending, strengthening and preserving of the Laws, Parliament ought to be held frequently.
The said Rights claimed.	And they do Claim, Demand and Insist upon all and singular the Premises as their undoubted Rights and Liberties and that no Declaration, Judgements, Doings or Proceedings to the Prejudice of the People in any of the said Premises ought in any way to be drawn hereafter into Consequence or Example. To which Demand of their Rights they are particularly encouraged by the Declaration of his Highness the Prince of Orange as being the only means for obtaining a full redress and Remedy therein. Having therefore an entire Confidence That his said Highness the Prince of Orange will perfect the Deliverance so far advanced by him and will still preserve them from the Violation of their Rights which they have here asserted and from all other Attempts upon their Religion, Rights and Liberties. The said Lords Spiritual and Temporal and Commons assembled at Westminster do Resolve That William and Mary, Prince and
Tender of the Crown.	

Princess of Orange be and be declared King and Queen of England, France and Ireland and the Dominions thereunto belonging to hold the Crown and Royal Dignity of the said Kingdoms and Dominions to them the said Prince and Princess during their Lives and the Life of the Survivor of them And that the sole and full Exercise of the Regal Power be only in and executed by the said Prince of Orange in the Names of the said Prince and Princess during their joint Lives and after their Deaths the said Crown and Royal Dignity of the said Kingdoms and Dominions to be to the Heirs of the Body of the said Princess And for default of such Issue to the Princess Anne of Denmark and the Heirs of her Body And for default of such Issue to the Heirs of the Body of the said Prince of Orange. And the Lords Spiritual and Temporal and Commons do pray the said Prince and (2) Princess to accept the same accordingly.

Regal Power exercised.

Limitation of the Crown.

And that the Oaths hereafter mentioned be taken by all Persons of whom the Oaths of Allegiance and Supremacy might be required by Law instead of them And that the said Oaths of Allegiance and Supremacy be abrogated.

New Oaths of Allegiance. &c.

I A B do sincerely promise and swear That I will be faithfull and bear true Allegiance to their Majesties King William and Queen Mary
So help me God.

Allegiance.

I A B do swear That I do from my Heart Abhor, Detest and Abjure as Impious and Heretical this damnable Doctrine and Position That Princes Excommunicated or Deprived by the Pope or any Authority of the See of Rome may be deposed or murdered by their Subjects or any other whatsoever. And I do declare That no Foreign Prince, Person, Prelate, State or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Preeminence or Authority Ecclesiastical or Spiritual within this Realm
So help me God.

Supremacy.

Upon which their said Majesties did accept the Crown and Royal Dignity of the Kingdoms of England, France and Ireland and the Dominions thereunto belonging according to the Resolution and Desire of the said Lords and Commons contained in the said Declaration. And thereupon their majesties were pleased That the said Lords Spiritual and Temporal and Commons being the two Houses of Parliament should continue to sit and with their Majesties Royal Concurrence make effectual Provision for the Settlement of the Religion, Laws and Liberties of this Kingdom so that the same for the future might not be in danger again of being subverted, To which the said Lords Spiritual and Temporal and Commons did agree and proceed to act accordingly. Now in pursuance of the Premises the said Lords Spiritual and Temporal

Acceptance of the Crown.

The Two Houses to sit.

Subjects' Liberties to be allowed.

and Commons in Parliament assembled for the ratifying, confirming and establishing the said Declaration and the Articles, Clauses, Matters and Things therein contained by the Force of a Law made in due Form by Authority of Parliament do pray that it may be declared and enacted That all and singular the Rights and Liberties asserted and claimed in the said Declaration are the true ancient and indubitable Rights and Liberties of the People of this Kingdom and so shall be esteemed, allowed, adjudged, deemed and taken to be and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said Declaration And all Officers and Ministers whatsoever shall serve their Majesties and their Successors according to the same in all times to come. And the said Lords Spiritual and Temporal and Commons seriously considering how it hath pleased Almighty God in his marvellous Providence and merciful Goodness to this Nation to provide and preserve their said Majesties Royal Persons most happily to Reign over us upon the Throne of their Ancestors for which they render unto him from the bottom of their Hearts their humblest Thanks and Praises so truly, firmly, assuredly and in the Sincerity of their Hearts think and do hereby recognize, acknowledge and declare that King James the Second having abdicated the Government and their Majesties having accepted the Crown and Royal Dignity [as¹] aforesaid Their said Majesties did become, were, are, and of right ought to be, by the Laws of this Realm our Sovereign Liege Lord and Lady, King and Queen of England, France and Ireland and the Dominions thereunto belonging in and to whose Princely Persons the Royal State Crown and Dignity of the said Realms with all Honours, Styles, Titles, Regalities, Prerogatives, Powers, Jurisdictions and Authorities to the same belonging and appertaining are most fully, rightfully and entirely invested and incorporated, united and annexed And for preventing all Questions and Divisions in this Realm by reason of any pretended Titles to the Crown and for preserving a Certainty in the Succession thereof in and upon which the Unity, Peace, Tranquility and Safety of this Nation doth under God wholly consist and depend The said Lords Spiritual and Temporal and Commons do beseech their Majesties That it may be enacted, established and declared That the Crown and Regal Government of the said Kingdoms and Dominions with all and Singular the Premises thereunto belonging and appertaining shall be and continue to their said Majesties and the Survivour of them during their Lives and the Life of the Survivour of them And that the entire perfect and full Exercise of the Regal Power and Government be only in and executed by his Majesty in the Names of both their Majesties during their

and Ministers hereafter to serve according to the same.

William and Mary declared King and Queen.

Limitation of the Crown.

¹ interlined on the Roll.

joint Lives And after their deaths the said Crown and Premises shall be and remain to the Heirs of the Body of her Majesty and for default of such Issue to her Royal Highness the Princess Anne of Denmark and the Heirs of her Body and for default of such Issue to the Heirs of the Body of his said Majesty And thereunto the said Lords Spiritual and Temporal and Commons do in the name of all the People aforesaid most humbly and faithfully submit themselves, their Heirs and Posterities forever and do faithfully promise That they will stand to maintain and defend their said Majesties and also the Limitation and Succession of the Crown herein specified and contained to the utmost of their Powers with their Lives and Estates against all Persons whatsoever that shall attempt anything to the contrary. And whereas it hath been found by Experience that it is inconsistent with the Safety and Welfare of this Protestant Kingdom to be governed by a Popish Prince or by any King or Queen marrying a Papist the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted That all and every person and persons that is, are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion or shall marry a Papist shall be excluded and be forever incapable to inherit, possess or enjoy the Crown and Government of this Realm and Ireland and the Dominions thereunto belonging or any part of the same or to have use or exercise any Regal Power Authority or Jurisdiction within the same [And in all and every such Case or Cases the People of these Realms shall be and are hereby absolved of their Allegiance²] And the said Crown and Government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled holding Communion or Professing or Marrying as aforesaid were naturally dead [And that every King and Queen of this Realm who at any time hereafter shall come to and succeed in the Imperial Crown of this Kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the Crown sitting in his or her Throne in the House of Peers in the presence of the Lords and Commons therein assembled or at his or her Coronation before such person or persons who shall administer the Coronation Oath to him or her at the time of his or her taking the said Oath (which shall first happen) make, subscribe and audibly repeat the Declaration mentioned in the Statute made in the thirtieth year of the Reign of King Charles the Second Entituled An Act for the more effectual Preserving the Kings Person and Government by disabling Papists from sitting in either House of Parliament But if it shall happen that such King or Queen upon his or her

Papists debarred the
Crown.

Every King, &c. shall
make the Declaration
of 30 Car. II.

If under 12 Years old.
to be done after
Attainment thereof.

² annexed to the Original Act in a separate Schedule.

King's and Queen's
Assent.

Succession to the Crown of this Realm shall be under the Age of twelve years then every such King or Queen shall make, subscribe and audibly repeat the said Declaration at his or her Coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such King or Queen shall have attained the said Age of twelve years.^{1]} All which Their Majesties are contented and pleased shall be declared enacted and established by authority of this present Parliament and shall stand, remain and be the Law of this Realm forever And the same are by their said Majesties by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the authority of the same declared, enacted and established accordingly.

Non obstantes made
void.

Exception.

2. AND be it further declared and enacted by the Authority aforesaid That from and after this present Session of Parliament no Dispensation by Non obstante of or to any Statute or any part thereof shall be allowed but that the same shall be held void and of no effect Except a Dispensation be allowed of in such Statute [and except in such Cases as shall be specially provided for by one or more Bill or Bills to be passed during this present Session of Parliament.^{1]}

Proviso for Charters,
Pardons, &c. granted
before 23rd October.

3. PROVIDED that no Charter or Grant or Pardon granted before the three and twentieth Day of October in the year of our Lord one thousand six hundred eighty nine shall be any way impeached or invalidated by this Act but that the same shall be and remain of the same force and effect in Law and no other then as if this Act had never been made.

CAP. VI.

An Act to prevent Disputes and Controversies concerning Royal Mines.

1. W. & M. ss. 1.
c. 30.

WHEREAS by a Clause in one Act of Parliament made in the first Year of their Majesties Reign intituled, *An Act to repeal the Statute made in the fifth Year of King Henry the Fourth, against the multiplying of Gold and Silver*, it is amongst other Things enacted, That no Mine of Tin, Copper, Iron, or Lead, shall hereafter be adjudged, reputed, or taken to be a royal Mine, although Gold or Silver may be extracted out of the same: But notwithstanding the good Provision by the said Statute to prevent the discouraging their Majesties good Subjects, who have Mines of

¹ annexed to the Original Act in a separate Schedule.

Copper, Tin, Iron, or Lead in their Soils, from digging and opening the same, many Doubts and Questions have arisen upon the said Statute, whereby great Suits and Troubles have arisen to many Owners and Proprietors of such Mines; wherefore for the better Explanation of the said Statute.

2. Be it enacted and declared by the King's and Queen's most Excellent Majesties, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons, being Subjects of the Crown of England, Bodies Politick or Corporate, that now are or hereafter shall be, the Owner or Owners, Proprietor or Proprietors of any Mine or Mines within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, wherein any Ore now is, or hereafter shall be discovered, opened, found or wrought, and in which there is Copper, Tin, Iron or Lead, shall and may hold and enjoy the same Mine or Mines and Ore, and continue in the Possession thereof, and dig and work the said Mine or Mines or Ore, notwithstanding that such Mine or Mines or Ore shall be pretended or claimed to be a Royal Mine or Royal Mines; any Law, Usage or Custom to the contrary notwithstanding.

Owners of Mines
shall enjoy them.

3. Provided always, and be it enacted and declared, that their Majesties, their Heirs and Successors, and all claiming any Royal Mines under them, shall and may have the Ore of any such Mine or Mines in any Part of the said Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, (other than Tin Ore in the Counties of Devon and Cornwall) paying to the Proprietors or Owners of the said Mine or Mines wherein such Ore is or shall be found, within thirty Days after the said Ore is or shall be raised and laid upon the Banks of the said Mine or Mines, and before the same be removed from thence, the Rates following (that is to say) For all Ore washt, made clean, and merchantable, wherein there is Copper, the Rate of sixteen Pounds per Ton; and for all Ore washt, made clean, and merchantable, wherein there is Tin, the Rate of forty Shillings per Ton; and for all Ore washt, made clean, and merchantable, wherein there is Iron, the Rate of forty Shillings per Ton; and for all Ore washt, made clean, and merchantable, where there is Lead, the Rate of nine Pounds per Ton. And in default of Payment of such respective Sums as aforesaid, it shall and may be lawful for the Owners and Proprietors of the said Mine or Mines, wherein such Ore is, or shall be found, to sell and dispose of the said Ore to his and their own Uses; any Law, Statute or Custom to the contrary notwithstanding.

The King may have
the Ore on the Rates
following.

4. Provided always, That nothing contained in this Act shall alter, determine, or make void the Charters granted to the Tinnars

The Tinnars
Charters, &c.
saved.

See 9 Ann. c. 24.
for the Regulation
of Mine Adventurers.

of Devon and Cornwall, by any of the Kings and Queens of this Realm, or any of the Liberties, Privileges, or Franchises of the said Tinnors, or to alter, determine or make void the Laws, Customs, or Constitutions of the Stannaries of Devon or Cornwall, or any of them.

CAP. II.

An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject.

[1701.]

Recital of Stat.
1 W. & M. Sess. 2.
c. 2. § 2.

WHEREAS in the First Year of the Reign of Your Majesty and of our late most gracious Sovereign Lady Queen Mary (of blessed Memory) an Act of Parliament was made intituled [An Act for declaring the Rights and Liberties of the Subject and for settling the Succession of the Crown] wherein it was (amongst other things) enacted, established and declared That the Crown and Regal Government of the Kingdoms of England, France and Ireland and the Dominions thereunto belonging should be and continue to Your Majesty and the said late Queen during the joint Lives of Your Majesty and the said Queen and to the Survivor And that after the Death of Your Majesty and of the said Queen the said Crown and Regal Government should be and remain to the Heirs of the Body of the said late Queen And for Default of such Issue to Her Royal Highness the Princess Ann of Denmark and the Heirs of Her Body And for Default of such Issue to the Heirs of the Body of Your Majesty And it was thereby further enacted That all and every Person and Persons that then were or afterwards should be reconciled to or shall hold Communion with the See or Church of Rome or should profess the Popish Religion or marry a Papist should be excluded and are by that Act made forever [incapable³] to inherit, possess or enjoy the Crown and Government of this Realm and Ireland and the Dominions thereunto belonging or any part of the same or to have use or exercise any regal Power, Authority or Jurisdiction within the same. And in all and every such Case and Cases the People of these Reams shall be and are thereby absolved of their

³ incapable O.

Allegiance And that the said Crown and Government shall from time to time descend to and be enjoyed by such Person or Persons being Protestants as should have inherited and enjoyed the same in case the said Person or Persons so reconciled holding Communion, professing or marrying as aforesaid were naturally dead. After the making of which Statute and the Settlement therein contained Your Majesty's good Subjects who were restored to the full and free Possession and Enjoyment of the [Religion¹] Rights and Liberties by the Providence of God giving Success to Your Majesty's just Undertakings and unwearied Endeavours for that Purpose had no greater temporal Felicity to hope or wish for then to see a Royal Progeny descending from Your Majesty to whom (under God) they owe their Tranquility and whose Ancestors have for many Years been principal Assertors of the reformed Religion and the Liberties of [Europe¹] and from our said most gracious Sovereign Lady whose Memory will always be precious to the Subjects of these Realms And it having since pleased Almighty God to take away our said Sovereign Lady and also the most hopeful Prince William Duke of Gloucester (the only surviving Issue of Her Royal Highness the Princess Ann of Denmark) to the unspeakable Grief and Sorrow of Your Majesty and Your said good Subjects who under such Losses being sensibly put in mind that it standeth wholly in the Pleasure of Almighty God to prolong the Lives of Your Majesty and of Her Royal Highness and to grant to Your Majesty or to Her Royal Highness such Issue as may be inheritable to the Crown and Regal Government aforesaid by the respective Limitations in the said recited Act contained do constantly implore the Divine Mercy for those Blessings and Your Majesty's said Subjects having Daily Experience of Your Royal Care and Concern for the present and future Welfare of these kingdoms and particularly recommending from Your Throne a further Provision to be made for the Succession of the Crown in the Protestant Line for the Happiness of the Nation and the Security of our Religion And it being absolutely necessary for the Safety, Peace and Quiet of this [Realm¹] to obviate all Doubts and Contentions in the same by reason of any pretended Titles to the [Crown¹] and to maintain a Certainty in the succession thereof to which Your Subjects may safely have Recourse for their Protection in case the Limitations in the said recited [Act¹] should determine Therefore for a further Provision of the Succession of the Crown in the Protestant Line We Your Majesty's most dutiful and Loyal Subjects, the Lords Spiritual and Temporal and Commons in this present Parliament assembled do beseech Your Majesty that it may be enacted and declared and be it enacted and declared by the King's most Excellent Majesty by and with the Advice and

and that the late
Queen and Duke of
Gloucester are dead:

and that His Majesty
had recommended from
the Throne a further
Provision for the
Succession of the
Crown in the
Protestant Line.

¹ interlined on the Roll.

The Princess Sophia, Electress and Duchess Dowager of Hanover, Daughter of the late Queen of Bohemia, Daughter of King James the First, to inherit after the King and the Princess Anne, in Default of Issue of the said Princess and His Majesty, respectively;

Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the Authority of the same That the most Excellent Princess Sophia, Electress and Duchess Dowager of Hanover, Daughter of the most Excellent Princess Elizabeth, late Queen of Bohemia, Daughter of our late Sovereign Lord King James the First of happy Memory be and is hereby declared to be the next in succession in the Protestant Line to the Imperial Crown and Dignity of the [said¹] Realms of England, France and Ireland with the Dominions and Territories thereunto belonging after His Majesty and the Princess Ann of Denmark and in Default of Issue of the said Princess Ann and of His Majesty respectively and that from and after the Deaths of His said Majesty our now Sovereign Lord and of Her Royal Highness the Princess Ann of Denmark and for Default of issue of the said Princess Ann and of His Majesty respectively the Crown and Regal Government of the said Kingdoms of England, France and Ireland and the Dominions thereunto belonging with the Royal State and Dignity of the said Realms and all Honours, Styles, Titles, Regalities, Prerogatives, Powers, Jurisdictions and Authorities to the same belonging and appertaining shall be, remain and continue to the said most Excellent Princess Sophia and the Heirs of Her Body being Protestants And thereunto the said Lords Spiritual and Temporal and Commons shall and will in the name of all the People of this Realm most humbly and faithfully submit themselves, their Heirs and Posterities and do faithfully promise That after the Deaths of His Majesty and Her Royal Highness and the failure of the Heirs of their respective Bodies to stand to maintain and defend the said Princess Sophia and the Heirs of Her Body being [Protestants¹] according to the Limitation and Succession of the Crown in this Act specified and contained to the utmost of their Powers with their Lives and Estates against all Persons whatsoever that shall attempt anything to the contrary.

and the Heirs of her body, being Protestants.

The Persons inheritable by this Act, holding Communion with the Church of Rome, incapacitated as by the former Act;

2. PROVIDED always and it is hereby enacted That all and every Person and Persons who shall or may take or inherit the said Crown by virtue of the Limitation of this present Act and is, are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion or shall marry a Papist shall be subject to such incapacities as in such Case or Cases are by the said recited Act provided, enacted and established And that every King and Queen of this Realm who shall come to and succeed in the Imperial Crown of this Kingdom by virtue of this Act shall have the Coronation oath administered to him, her or them at their respective Coronations according to the Act of Parliament made in the First Year of the

to take the Oath at their Coronation, according to Stat. 1 W. & M. c. 6.

¹ interlined on the Roll.

Reign of His Majesty and the said late Queen Mary intituled An Act for establishing the Coronation Oath and shall make, subscribe and repeat the Declaration in the Act first above recited, mentioned or referred to in the Manner and Form thereby prescribed.

3. AND whereas it is requisite and necessary that some further Provision be made for securing our Religion, Laws and Liberties from and after the Death of His Majesty and the Princess Ann of Denmark and in default of Issue of the Body of the said Princess and of His Majesty respectively Be it enacted by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the Authority of the same.

Further Provisions for securing the Religion, Laws and Liberties of these Realms.

THAT whosoever shall hereafter come to the Possession of this Crown shall join in Communion with the Church of England as by Law established.

That in case the Crown and imperial Dignity of this Realm shall hereafter come to any Person not being a Native of this Kingdom or England, this Nation be not obliged to engage in any War for the Defence of any Dominions or Territories which do not belong to the Crown of England without the Consent of Parliament.

That no Person who shall hereafter come to the Possession of this Crown shall go out of the Dominions of England, Scotland or Ireland without Consent of Parliament.

That from and after the Time that the further Limitation by this Act shall take Effect all Matters and Things relating to the well governing of this Kingdom which are properly cognizable in the Privy Council by the Laws and Customs of this Realm shall be transacted there and all Resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.

That after the said Limitation shall take Effect as aforesaid no Person born out of the Kingdoms of England, Scotland or Ireland or the Dominions thereunto belonging (although he be naturalized or made a Denizen (except such as [are¹] born of English Parents) shall be capable to be of the Privy Council or a Member of either House of Parliament or to enjoy any Office or Place of Trust, either Civil or Military, or to have any Grant of Lands, Tenements or Hereditaments from the Crown to himself or to any other or others in Trust for him.

That no Person who has an Office or Place of Profit under the King or receives a Pension from the Crown shall be capable of serving as a Member of the House of Commons.

¹ interlined on the Roll.

That after the said Limitation shall take Effect as aforesaid, Judges' Commissions be made *Quam diu se Bene Gesserint* and their Salaries ascertained and established but upon the Address of both Houses of Parliament it may be lawful to remove them.

That no Pardon under the Great Seal of England be pleadable to an Impeachment by the Commons in Parliament.

The Laws and Statutes
of the Realm
confirmed.

4. AND whereas the Laws of England are the Birthright of the People thereof and all the Kings and Queens who shall ascend the Throne of this Realm ought to administer the Government of the same according to the said Laws and all their Officers and Ministers ought to serve them respectively according to the same The said Lords Spiritual and Temporal and Commons do therefore further humbly pray That all the Laws and Statutes of this Realm for securing the established Religion and the Rights and Liberties of the People thereof and all other Laws and Statutes of the same now in Force may be ratified and confirmed. And the same are by His Majesty by and with the Advice and Consent of the said Lords Spiritual and Temporal and Commons and by Authority of the same ratified and confirmed accordingly.

CAP. XVIII.

An Act for the more effectual Discovery of the Death of Persons pretended to be alive, to the Prejudice of those whose claim Estates after their Deaths.

19 Car. 2. c. 6.

WHEREAS divers Persons, as Guardians and Trustees for Infants, and Husbands in Right of their Wives, and other Persons having Estates or Interests determinable upon a Life or Lives, have continued to receive their Rents and Profits of such Lands after the Determination of their said particular Estates or Interests: And whereas the Proof of the Death of the Persons, on whose Lives such particular Estates or Interests depended, is very difficult, and several Persons have been, and may be thereby defrauded: For Remedy whereof, and for preventing such fraudulent practices, Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

by the Authority of the same, That any Person or Persons who hath or shall have any Claim or Demand in or to any Remainder, Reversion, or Expectancy, in or to any Estate after the Death of any Person within Age, married Woman, or any other Person whatsoever, upon Affidavit made in the High Court of Chancery, by the Persons so claiming such Estate, of his or her Title, and that he or she hath Cause to believe that such Minor, married Woman, or other Person is dead, and that his or her Death is concealed by such Guardian, Trustee, Husband, or any other Person, shall and may once a year, if the Person aggrieved shall think fit, move the Lord Chancellor, Keeper, or Commissioners for the Custody of the Great Seal of Great Britain for the Time being, to order, and they are hereby authorized and required to order such Guardian, Trustee, Husband, or other Person, concealing or suspected to conceal such Person, at such Time and Place as the said Court shall direct, on personal or other due Service of such Order, to produce and shew to such Person and Persons, (not exceeding two) as shall in such Order be named by the Party or Parties prosecuting such Order, such Minor, married Woman, or other Persons aforesaid; and if such Guardian, Trustee, Husband, or such other Person, as aforesaid, shall refuse or neglect to produce or shew such Infant, married Woman, or such other Person, on whose Life any such Estate doth depend, according to the Directions of the said Order, That then the Court of Chancery is hereby authorized and required to order such Guardian, Trustee, Husband, or other Person, to produce such Minor, married Woman, or other Person concealed, in the said Court of Chancery, or otherwise before Commissioners to be appointed by the said Court, at such Time and Place as the Court shall direct, two of which Commissioners shall be nominated by the Party or Parties prosecuting such Order, at his, her, or their Costs, and Charges; and in case such Guardian, Trustee, Husband, or other Person, shall refuse or neglect to produce such Infant, married Woman, or other Person so concealed, in the Court of Chancery, or before such Commissioners, whereof Return shall be made by such Commissioners, and that Return filed in the Petty Bag Office, in either or any of the said Cases, the said Minor, married Woman, or such other Person so concealed, shall be taken to be dead, and it shall be lawful for any Person claiming any Right, Title or Interest in Remainder or Reversion, or otherwise, after the Death of such Infant, married Woman, or such other Persons so concealed, as aforesaid, to enter upon such Lands, Tenements and Hereditaments, as if such Infant, married Woman, or other Person so concealed, were actually dead.

Person claiming Estate in Remainder, &c. after Death of Minor, married Woman, &c. on Affidavit, &c. that he hath cause to believe such Minor, &c. is dead. Lord Chancellor to cause such Minor, &c. to be produced, &c. Guardian, &c. refusing to produce such Infant, &c.

Party so concealed to be taken to be dead, and Claimant may enter on Land, &c.

2. And be it further enacted by the Authority aforesaid, That if it shall appear to the said Court by Affidavit, that such Minor, married Woman, or other Person, for whose Life such Estate is

On Affidavit that Minor, &c. is beyond Sea, Claimant may send over for Persons to view such Minor, &c.

holden, is, or lately was at some certain Place beyond the Seas in the said Affidavit to be mentioned, it shall and may be lawful for the Party or Parties prosecuting such Order, as aforesaid, at his, her, or their Costs and Charges, to send over one or both the said Persons appointed by the said Order, to view such Minor, married Woman, or other Person, for whose Life any such Estate is holden; and in case such Guardian, Trustee, Husband, or other Person concealing or suspected to conceal such Persons as aforesaid, shall refuse or neglect to produce or procure to be produced to such Person or Persons, a personal View of such Infant, married Woman, or other Person, for whose Life any such Estate is holden, That then and in such Case such Person or Persons are hereby required to make a true Return of such Refusal or Neglect to the Court of Chancery, which Return shall be filed in the Petty Bag Office, and thereupon such Minor, married Woman, or other Person, for whose Life any such Estate is holden, shall be taken to be dead; and it shall be lawful for any Person claiming any Right, Title or Interest, in Remainder, Reversion, or otherwise after the Death of such Infant, married Woman, or other Person, for whose Life any such Estate is holden, to enter upon such Lands, Tenements, and Hereditaments, as if such Infant, married Woman, or other Person, for whose Life any such Estate is holden, were actually dead.

If Infant, &c. alive,
after Order made.
such Infant, &c. may
re-enter.

3. Provided always, That if it shall afterwards appear upon Proof, in any Action to be brought, that such Infant, married Woman, or other Person, for whose Life any such Estate is holden, were alive at the Time of such Order made, That then it shall be lawful for such Infant, married Woman, Guardian, or Trustee, or other Person having any Estate or Interest, determinable upon such Life, to re-enter upon the said Lands, Tenements, or Hereditaments, and for such Infant, married Woman, or other Person, having any Estate or Interest determinable upon such Life, their Executors, Administrators or Assigns, to maintain an Action against those who, since the said Order, received the Profits of such Lands, Tenements, or Hereditaments, or their Executors or Administrators, and therein to recover full Damages for the Profits of the same received, from the Time that such Infant, married Woman, or other Person, having any Estate or Interest determinable upon such Life, were ousted of the Possession of such Lands, Tenements, or Hereditaments.

If Guardian, &c.
prove that he hath
used his Endeavours
to procure such
Infant to appear,
and that he was
then living, &c.

4. Provided always, That if any such Guardian, Trustee, Husband, or other Person or Persons, holding or having any Estate or Interest determinable upon the Life or Lives of any other Person or Persons, shall by any Affidavit or otherwise, to the Satisfaction of the said Court of Chancery, make appear, That he, she, or they have used his, her, or their utmost Endeavours to procure such Infant, married Woman, or other Person or Persons, on whose Life or Lives such

Estate or Interest doth depend, to appear in the said Court of Chancery, or elsewhere, according to the Order of the said Court in that Behalf made, and that he, she, or they cannot procure or compel such Infant, married Woman, or other Person or Persons so to appear, and that such Infant, married Woman, or other Person or Persons, on whose Life or Lives such Estate or Interest doth depend, is, are, or were living at the Time of such Return made and filed as aforesaid, then it shall be lawful for such Person or Persons to continue in the Possession of such Estate, and receive the Rents and Profits thereof for and during the Infancy of such Infant, and the Life or Lives of such married Woman, or other Person or Persons, on whose Life or Lives such Estate or Interest doth or shall depend, as fully as he, she, or they might have done if this Act had not been made.

Guardian to continue in Possession, &c.

5. And be it further enacted by the Authority aforesaid, That every Person who, as Guardian or Trustee for any Infant, and every Husband seised in Right of his Wife only, and every other Person having any Estate determinable upon any Life or Lives, who after the Determination of such particular Estates or Interests, without the express Consent of him, her, or them, who are or shall be next and immediately intitled upon and after the Determination of such particular Estates or Interests, shall hold over and continue in Possession of any Manors, Messuages, Lands, Tenements, or Hereditaments, shall be and are hereby adjudged to be Trespassers; and that every Person and Persons, his, her, and their Executors and Administrators, who are or shall be intitled to any such Manors, Messuages, Lands, Tenements, and Hereditaments, upon or after the Determination of such particular Estates or Interests, shall and may recover in Damages against every such Person or Persons so holding over as aforesaid, and against his, her, or their executors, or Administrators, the full Value of the Profits received during such wrongful Possession as aforesaid.

Guardian, &c. holding Estates after Determination of Life of Minor, &c. adjudged Trespassers.

Heirs, &c. may recover Damages.

CAP. XIV.

An Act for the better preventing of excessive and deceitful Gaming.

33 H. S. c. 9.
 2 & 3 P. & M. c. 9.
 16 Car. 2. c. 7.
 After 1 May 1711.
 all Notes, &c. Mortgages, &c. where the Consideration is for Money won by Gaming, or for Repayment of Money lent at such Gaming, &c. shall be void. And where such Mortgages, &c. shall incumber any Lands, &c. they shall devolve to such Person as should have been intitled to them, in case such Grantor had been dead, &c. And all Conveyances to hinder such Lands from devolving, &c. shall be void.

1. **W**HEREAS the Laws now in Force for preventing the Mischiefs which may happen by Gaming have not been found sufficient for that Purpose; Therefore for the further preventing of all excessive and deceitful Gaming, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the first Day of May one thousand seven hundred and eleven, all Notes, Bills, Bonds, Judgments, Mortgages or other Securities or Conveyances whatsoever, given, granted, drawn or entered into, or executed by any Person or Persons whatsoever, where the whole or any Part of the Consideration of such Conveyances or Securities, shall be for any Money, or other valuable Thing whatsoever, won by Gaming or playing at Cards, Dice, Tables, Tennis, Bowls or other Game or Games whatsoever, or by betting on the Sides or Hands of such as do game at any of the Games aforesaid, or for the reimbursing or repaying any Money knowingly lent, or advanced for such gaming or betting as aforesaid, or lent or advanced at the Time and Place of such Play, to any Person or Persons so gaming or betting as aforesaid, or that shall, during such Play, so play or bett, shall be utterly void, frustrate, and of none Effect, to all Intents and Purposes whatsoever; any Statute, Law, or Usage to the contrary thereof in any wise notwithstanding; and that where such Mortgages, Securities or other Conveyances, shall be of Lands, Tenements or Hereditaments, or shall be such as incumber or affect the same, such Mortgages, Securities or other Conveyances, shall enure and be to and for the sole Use and Benefit of, and shall devolve upon such Person or Persons as should or might have, or be intitled to such Lands, Tenements or Hereditaments in case the said Grantor or Grantors thereof, or the Person or Persons so incumbering the same, had been naturally dead, and as if such Mortgagees, Securities or other Conveyances, had been made to such Person or Persons so to be intitled after the Decease of the Person or Persons so incumbering the same; and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements or Hereditaments, from coming to or devolving upon such Person or Persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none Effect, to all Intents and Purposes whatsoever.

CAP. VIII.

An Act to prevent the infamous Practice of Stock-jobbing.

WHEREAS great Inconveniences have arisen and do daily arise by the wicked, pernicious, and destructive Practice of Stock-jobbing, whereby many of His Majesty's good Subjects have been and are diverted from pursuing and exercising Their lawful Trades and vocations, to the utter Ruin of themselves and Families, to the great Discouragement of Industry, and to the manifest Detriment of Trade and Commerce; For Remedy thereof, may it please your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Contracts and Agreements whatsoever, which shall, from and after the first Day of June one thousand seven hundred and thirty four, be made or entered into, by or between any Person or Persons whatsoever, upon which any Premium or Consideration in the Nature of a Premium shall be given or paid for Liberty to put upon, or to deliver, receive, accept, or refuse any Publick or Joint Stock, or other Public Securities whatsoever, or any Part, Share, or Interest therein, and also all Wagers and Contracts in the Nature of Wagers, and all Contracts in the Nature of Putts and Refusals, relating to the then present or future Price or Value of any such Stock or Securities, as aforesaid, shall be null and void to all Intents and Purposes whatsoever, and all Premiums, Sum or Sums of Money whatsoever, which shall be given, received, paid, or delivered, upon all such Contracts or Agreements, or upon any such Wagers, or Contracts in the Nature of Wagers, as aforesaid, shall be restored and repaid to the Person or Persons who shall give, pay, or deliver the same, who shall be at Liberty, within Six Months from and after the making such Contract or Agreement, or laying any such Wager, to sue for and recover the same from the Person or Persons to whom the same is or shall be paid or delivered, with Double Costs of Suit, by Action of Debt founded on this Act, to be prosecuted in any of His Majesty's Courts of Record, in which Action no Essoin, Protection, Wager of Law, or more than one Imparllance shall be allowed; and it shall be sufficient therein for the Plaintiff to alledge that the Defendant is indebted to the Plaintiff, or has received to the Plaintiff's Use, the Money or Premium so paid or received, whereby the Plaintiff's Action accrued to him, according to the Form of this Statute, without setting forth the special Matter.

2. And for the better Discovery of the Monies or Premium which shall be given, paid, or delivered and to be sued for and recovered,

All Contracts made after 1 June 1734, for Liberty to put upon, accept, or refuse any Publick Stocks or Securities, and Wagers relating to the Value of Stocks, shall be void, and the Money paid thereon, restored, or may be recovered by Action commenced in 6 Months, with Double Costs.

Persons sued on this Act obliged to answer on Oath with Regard to such Contract.

as aforesaid; it is hereby further enacted by the Authority aforesaid, That all and every the Person or Persons who, by virtue of this Present Act, shall or may be liable to be sued for the same, shall be obliged and compellable to answer upon Oath such Bill as shall be preferred against him or them in any Court of Equity for discovering any such Contract or Wager, and the Sum of Money or Premium so given, paid, or delivered, as aforesaid.

Plaintiffs, on filing a Bill, to give Security for answering Costs: otherwise the Defendant may refuse to appear.

3. Provided always, That the Plaintiffs, Relators, or Informers in such Bill shall and do (at the Time of bringing or filing such Bill) give good and sufficient Security to answer and pay the Defendants in such Bill full Costs of Suit, in case such Costs shall be adjudged to the Defendants, and that no Person shall be obliged to appear or to answer such Bill until such Security is given.

5001. Penalty on making or executing any such Putts or Bargains.

4. And be it further enacted by the Authority aforesaid, That all and every Person or Persons whatsoever, who shall enter into, make, or execute any such Contract, Bargain, or Agreement, upon which any Premium, or Consideration in the Nature of a Premium, shall be given or paid for Liberty to put upon or to deliver, receive, accept, or refuse any Publick or Joint Stock, or other Publick Securities whatsoever, or any Part, Share, or Interest therein, or any Contract or Bargain in the Nature of Putts and Refusals, as aforesaid, or shall lay any such Wager, or make any such Contract in the Nature of a Wager, as aforesaid (except such Person or Persons who shall actually and bona fide without Covin or Collusion, sue, and with Effect prosecute for the Recovery of the Money or Premium given, delivered, or paid by him, her, or them, as aforesaid; and also except such Person or Persons, who shall voluntarily before any Action or Suit commenced, actually and bona fide, without Covin or Collusion, repay or tender, before one or more Witness or Witnesses, such Monies or Premium, as he, she, or they shall have had, taken, received, or been paid, as aforesaid; and also except such Persons who shall discover such Transactions in any Court of Equity) shall forfeit and pay the Sum of five hundred Pounds; and also all and every Brokers, Agents, Scriveners, or other Persons, negotiating, transacting, or writing any such Contract, Bargain, or Agreement, as aforesaid, shall likewise forfeit and pay the Sum of five hundred Pounds; which said Penalties shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Privilege, Protection, or Wager of Law, or more than one Impar lance, shall be allowed; one Moiety thereof to the Use of His Majesty, His Heirs, and Successors, and the other Moiety thereof to the Use of him, her or them, who shall sue for the same.

Exceptions.

1001. Penalty on giving or receiving Money to compound Differences relating to Stock not actually delivered.

5. And for preventing the evil Practice of compounding or making up Differences for Stocks or other Securities bought, sold, or at any

Time hereafter to be agreed so to be, Be it further enacted by the Authority aforesaid, That no Money or other Consideration whatsoever (except as herein after is provided) shall, from and after the said first Day of June one thousand seven hundred and thirty four, be voluntarily given, paid, had, or received, for the compounding, satisfying, or making up any Difference for the not delivering, transferring, having, or receiving any Publick or Joint Stock, or other publick Securities, or for the not performing of any Contract or Agreement so stipulated and agreed to be performed; but that all and every such Contract and Agreement shall be specifically performed and executed on all Sides, and the Stock or Security thereby agreed to be assigned, transferred, or delivered, shall be actually so done, and the Money, or other Consideration thereby agreed to be given and paid for the Same, shall also be actually and really given and paid; and all and every Person and Persons whatsoever, who shall, from and after the said first Day of June one thousand seven hundred and thirty four, voluntarily compound, make up, pay, satisfy, take, or receive, such Difference Money, or other Consideration whatsoever, for the not delivering, transferring, assigning, having, or receiving such Stock, or other Security so to be agreed to be delivered, transferred, assigned, had, or received, as aforesaid (except in the Manner herein after provided) shall forfeit and pay the Sum of one hundred Pounds, to be recovered by Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoin, Privilege, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; one Moiety thereof to the Use of His Majesty, His Heirs and Successors, and the other Moiety thereof to the Use of him, her or them, who shall sue for the same.

6. Provided nevertheless, That no Person or Persons, who shall sell any Publick or Joint Stock, or other Publick Securities, to be delivered and paid for on a certain Day, and which shall be refused or neglected to be paid for, according to such Agreement, shall be obliged to transfer the same; but it shall and may be lawful for such Person or Persons to sell such Stock or other Securities, which shall be so refused or neglected to be paid for, to any other Person or Persons for the best Price which can be obtained; and after such Sale to receive (if the Parties can agree) or to recover, as aforesaid, from the Person or Persons who first contracted for the same, all the Damage which shall be sustained thereby.

Stock sold, and not paid for at the Time prefixed. may be sold to any other Persons, and the Buyer to make good the Damage.

7. And provided also, That it shall and may be lawful to and for any Person or Persons, who shall buy any Publick or Joint Stock, or other Publick Securities, to be accepted and paid for on a future Day, and which shall be refused or neglected to be transferred, to buy the like Quantity of such Stock, or other publick Securities, of any other Person or Persons at the current Market Price, and to

Stock bought, and not transferred at the Time prefixed. the Buyer may purchase other Stock and recover his Damage.

recover and receive, after such Purchase and Acceptance (if the Parties can agree) from the Person or Persons who first contracted to sell or deliver the same, the Damage which shall be sustained by reason of the not delivering or not transferring Such Stock or other Securities; any thing in this Act, or any Law, Usage or Custom to the contrary notwithstanding.

5001. Penalty on buying or selling Stock, of which they are not actually possessed at the Time of the Contract.

8. And whereas it is a frequent and mischievous Practice for Persons to sell and dispose of "Stocks, or other Securities, of which they are not possessed:" Be it therefore further enacted by the Authority aforesaid, That all Contracts and Agreements whatsoever, which shall, from and after the said first Day of June one thousand seven hundred and thirty four, be made or entered into for the buying, selling, assigning, or transferring of any Publick or Joint Stock or Stocks, or other Publick Securities whatsoever, or of any Part, Share, or Interest therein, whereof the Person or Persons contracting or agreeing, or on whose Behalf the Contract or Agreement shall be made, to sell, assign, and transfer the same, shall not, at the Time of making such Contract or Agreement, be actually possessed of, or intitled unto, in his, her, or their own Right, or in his, her, or their own Name or Names, or in the Name or Names of a Trustee or Trustees to their Use, shall be null and void to all Intents and Purposes whatsoever; and all and every Person and Persons whatsoever, contracting or agreeing, or on whose Behalf, and with whose Consent, any Contract or Agreement shall be made, to sell, assign, or transfer any Publick or Joint Stock or Stocks, or other Publick Securities, whereof such Person or Persons shall not, at the Time of making such Contract or Agreement, be actually possessed of, or intitled unto, in his, her, or their own Name or Names, or in the Name or Names of a Trustee or Trustees, to their Use, or their own Right, as aforesaid, shall forfeit and pay the Sum of five hundred Pounds, to be recovered by Action of Debt, Bill, Complaint, or Information, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Privilege, Protection, or Wager of Law, or more than one Impar lance, shall be allowed; one Moiety thereof to the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof to the Use of him, her, or them who shall sue for the same; and all and every Broker or Brokers, Agent or Agents, who shall negotiate, transact, or intermeddle in the making or procuring to be made any such Contract or Agreement, as aforesaid, and shall know that the Person or Persons, by whom or on whose Behalf such Contract or Agreement shall be made, is or are not possessed of, or entitled unto, the Stock or Security, concerning which such Contract or Agreement shall be made, in his, her, or their own Name, or Names, or in the Name or Names of a Trustee or Trustees for their Use or Right, shall, for every such Offence, forfeit and pay the Sum of one hundred Pounds, to be

1001. Penalty on Brokers negotiating such Contract.

recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Privilege, Protection, or Wager of Law, or more than one Impar lance, shall be allowed; one Moiety thereof to the Use of his Majesty, his Heirs, and Successors, and the other Moiety thereof to the Use of him, her, or them, who shall sue for the same.

9. And be it further enacted by the Authority aforesaid, that from and after the first Day of June one thousand seven hundred and thirty four, all and every Broker or Brokers, or other Person or Persons, who shall negotiate or act as a Broker receiving Brokerage, in the buying, selling, or otherwise disposing of any of the said Publick or Joint Stocks, or other Publick Securities, shall respectively keep a Book or Register, which shall be called the Brokers Book; in which said Book he and they shall fairly, justly, and truly enter all Contracts, Agreements, and Bargains, that he or they shall from time to time make between any Person or Persons whatsoever, on the Day of the making such Contract or Agreement, together with the Names of the principal Parties, as well Buyers as Sellers, and also the Day of making such Contract or Agreement, to the Intent and Purpose that such Broker or Brokers, and other Person or Persons, acting or negotiating as such, as aforesaid, shall from time to time produce such Book or Register, when thereunto lawfully required: And in case such Broker or Brokers, or any other, who shall negotiate or act as a Broker, as aforesaid, in relation to any of the said Matters, shall not keep such Book or Register, or shall wilfully omit to enter therein, fairly, justly, and truly, any such Contract, Bargain or Agreement, as aforesaid, he or they shall, for every such offence or omission, forfeit and pay the sum of fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, in which no Essoin, Privilege, Protection, or Wager of Law, or more than one Impar lance shall be allowed; one Moiety thereof to the Use of his Majesty, his Heirs and Successors, and the other Moiety thereof to the Use of him, her, or them. who shall sue for the same.

After 1 June 1734,
all Contracts for
Stock to be truly
entered in the
Brokers Book.

on Penalty of 50l.
for each Offence.

10. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any Contracts or Agreements for the Purchase or Sale of any Stock, Annuities, or other Publick Securities, to be made with the Privy of the Accountant General of the Court of Chancery, in Pursuance of any Decree or Order of the said Court; but that all such Contracts and Agreements may be made and performed in the same Manner as they might have been, if this Act had never been made.

Contracts for Stock
made with the
Privy of the
Accountant of the
Chancery may be
made as before.

This Act not to hinder Persons from lending Money on Publick Stocks. or prevent the re-delivering thereof, on Repayment of the Money lent.

11. Provided also, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to hinder or prevent any Person or Persons from lending any Sum or Sums of Money on any Publick or Joint Stock or other Publick Securities whatsoever, or any Part, Share, or Interest therein, or to prevent or hinder any Defeazance, Contract, or Agreement being made and entered into for the re-delivering, assigning, or transferring such Publick or Joint Stock, or other Publick Securities, or any Part, Share, or Interest therein, upon the Re-payment of the Sum or Sums of Money, which shall have been lent and borrowed thereupon, with Interest for the same, so as no Premium or other Consideration whatsoever be paid to, or received by the Person or Persons lending such Money, for or in Consideration of such Loan, more than legal Interest.

This Act to be on Force from 1 June 1734. for 3 Years. Made perpetual by 10 Geo. 2, c. 8.

12. Provided also, and be it further enacted by the Authority aforesaid, That this present Act shall continue and be in Force from the said first Day of June one thousand seven hundred and thirty four, for the Term of Three Years, and from thence to the End of the then next session of Parliament, and no longer.

CAP. VIII.

An Act to make perpetual an Act made in the seventh Year of the Reign of his present Majesty, intituled, An Act to prevent the infamous Practice of Stock-jobbing.

Preamble.
reciting the Act.
7 Geo. 2. c. 8.

WHEREAS an Act was passed in the seventh Year of his present Majesty's Reign, intituled, An Act to prevent the infamous Practice of Stock-jobbing; which Act was to continue and be in Force from the first day of June one thousand seven hundred and thirty-four, for the Term of three Years, and from thence to the End of the then next Session of Parliament, and no longer: And whereas the said Act hath been found useful and beneficial, and will in a short Time expire, Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be, and is hereby made perpetual.

which is made perpetual.

CAP. XVI.

An Act to amend and render more effectual an Act made in the Twenty-first Year of the Reign of King James the First, intituled, An Act for the general Quiet of the Subjects against all Pretences of Concealment whatsoever.

WHEREAS an Act of Parliament was made and passed in the Twenty-first Year of the Reign of King James the First, intituled, An Act for the General Quiet of the Subjects against all Pretences of Concealment whatsoever; and thereby the Right and Title of the King, His Heirs and Successors, in and to all Manors, Lands, Tenements, Tythes, and Hereditaments (except Liberties and Franchises) were limited to sixty Years next before the Beginning of the said Session of Parliament; and other Provisions and Regulations were therein made, for securing to all His Majesty's Subjects the free and quiet Enjoyment of all Manors, Lands, and Hereditaments, which they, or those under whom they claimed, respectively had, held, or enjoyed, or whereof they had taken the Rents, Revenues, Issues, or Profits, for the Space of Sixty Years next before the Beginning of the said Session of Parliament: And whereas the said Act is now, by Efflux of Time, become ineffectual to answer the good End and Purpose of securing the general Quiet of the Subject against all Pretences of Concealment whatsoever: Wherefore be it enacted by the King's most Excellent Majesty, by and with the Assent and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament Assembled, and by the Authority of the same, That the King's Majesty, His Heirs or Successors, shall not at any Time hereafter, sue, impeach, question, or implead, any Person or Persons, Bodies Politick or Corporate, for or in any wise concerning any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments whatsoever (other than Liberties or Franchises) or for or in any wise concerning the Revenues, Issues, or Profits thereof, or make any Title, Claim, Challenge, or Demand, of, in, or to the same, or any of them, by reason of any Right or Title which hath not first accrued and grown, or which shall not hereafter first accrue and grow, within the Space of Sixty Years next before the filing, issuing, or commencing, of every such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; unless His Majesty, or some of his Progenitors, Predecessors, or Ancestors, Heirs, or Successors, or some other Person or Persons, Bodies Politick or Corporate, under whom His Majesty, His Heirs or Successors, anything hath or lawfully claimeth, or shall have or lawfully claim, have or shall have

Preamble.

Act 21. Jac. 1. c. 2.

The Crown disabled to sue, or implead any Person for any Manors, Lands, or Hereditaments, &c. where the Right hath not, or shall not first accrue and grow within 60 Years next before the commencing such Suit, &c.

and the Subject
secured in the free
and quiet enjoyment
thereof, as well
against the Crown,
&c.

been answered by Force and Virtue of any such Right or Title to the same, the Rents, Revenues, Issues, or Profits thereof, or the Rents, Issues, or Profits of any Honour, Manor, or other Hereditament, whereof the Premises in Question shall be Part or Parcel, within the said Space of Sixty Years; or that the same have or shall have been duly in charge to His Majesty, or some of his Progenitors, Predecessors, or Ancestors, Heirs, or Successors, or have or shall have stood insuper of Record within the said Space of Sixty Years: And that all and every Person or Persons, Bodies Politick and Corporate, their Heirs and Successors, and all claiming by, from, or under them, or any of them, for and according to their and every of their several Estates and Interests, which they have, or claim to have, or shall or may have or claim to have, in the same respectively, shall, at all Times hereafter, quietly and freely have, hold, and enjoy, against His Majesty, His Heirs and Successors, claiming by any Title which hath not first accrued or grown, or which shall not hereafter first accrue or grow, within the said Space of Sixty Years, all and singular Manors, Lands, Tenements, Rents, Tythes, and Hereditaments whatsoever, (except Liberties and Franchises) which he or they, or his or their, or any of their Ancestors or Predecessors, or those from, by, or under whom they do or shall claim, have or shall have held or enjoyed, or taken the Rents, Revenues, Issues, or Profits thereof, by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; unless His Majesty, or some of his Progenitors, Predecessors, or Ancestors, Heirs, or Successors, or some other Person or Persons, Bodies Politick or Corporate, by, from, or under whom His Majesty, his Heirs, or Successors, any Thing hath or lawfully claimeth, or shall have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, by Force of any Right or Title, have been or shall have been answered, by virtue of any such Right or Title, the Rents, Revenues, Issues, or other Profits thereof, within the said Space of Sixty Years; or that the same have or shall have been duly in Charge, or stood insuper of Record as aforesaid, within the said Space of Sixty Years: And furthermore that all and every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, and all claiming or to claim by, from, or under them, or any of them, for and according to their and every of their several Estates and Interests which they have or claim, or shall or may have or claim, respectively, shall, for ever hereafter, quietly and freely have, hold, and enjoy, all such Manors, Lands, Tenements, Rents, Tythes, and Hereditaments (except Liberties and Franchises) as they now have, claim, or enjoy, or hereafter shall or may have, claim, or enjoy, whereof His Majesty, his Progenitors, Predecessors, or Ancestors, or whereof His Majesty,

His Heirs or Successors, or he or they by, from, or under whom His Majesty, His Heirs or Successors, any Thing hath or lawfully claimeth, or shall have or lawfully claim, or some of them, by Force of some Right or Title to the same, have not or shall not have been answered, by virtue of such Right or Title, the Rents, Revenues, Issues or Profits thereof, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof, nor the same have been nor shall have been duly in Charge, or stood insuper of Record as aforesaid, within the said Space of Sixty Years, against all and every Person and Persons, their Heirs and Assigns, having, claiming, or pretending to have, or who shall or may have, claim, or pretend to have any Estate, Right, Title, Interest, claim, or Demand whatsoever, of, in, or to the same, by Force or Colour of any Letters Patents or Grants, upon Suggestion of Concealment or wrongful Detaining, or not being in Charge, or defective Titles, or by, from, or under, any Patentees or Grantees, or any Letters Patents or Grants, upon Suggestion of Concealment or wrongful Detaining, or not being in Charge, or defective Titles, of or for which said Manors, Lands, Tenements, Rents, Tythes, and Hereditaments, or any of them, no Verdict, Judgement, Decree, Judicial Order upon Hearing, or Sentence of any Court now standing in Force, hath been had or given, or any such Verdict, Judgement, Decree, Judicial Order upon Hearing, or Sentence of Court, shall hereafter be had or given, in any Action, Bill, Complaint, or Information, in any of His Majesty's Courts at Westminster, for or in the Name of the King's Majesty, or any of His Ancestors, Progenitors, Predecessors, Heirs, or Successors, or of any of the said Patentees or Grantees, or for their or any of their Heirs, or Assigns, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid.

as against all Persons claiming any Estate or Interest therein, by Colour of any Letters Patent, or Grants upon Suggestion of Concealment, wrongful Detaining, &c. for which Judgement hath not, or shall not be given for the Crown within 60 Years before the commencing such Suit.

2. Provided always, and be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tythes, or Hereditaments, are or shall be in Charge, by, to, or with any Auditor or Auditors, or other proper Officer or Officers of the Revenue, such Rents, Revenues, Issues, and Profits, shall be held, deemed, and taken to be duly in Charge within the Meaning and Intent of this Act; any Usage or Custom to the contrary notwithstanding.

In what Cases the Rents and Profits of Manors, &c. shall be deemed to be duly in Charge.

3. Provided always, That this Act, or any Thing therein contained, shall not extend to bar, impeach, or hinder His Majesty, His Heirs or Successors, of, for, or from, any Manors, Tenements, Rents, Tythes,

Cases wherein Reversions or Remainders in the Crown of any Manor, &c. are not liable to be impeached by this Act.

or Hereditaments, whereof any Reversion or Remainder now is in His Majesty, for or concerning the said Reversion or Remainder; nor of, for, or from any Reversion or Remainder, or Possibility of Reversion or Remainder, in any of His Majesty's Progenitors, or Predecessors, or Ancestors, which by the Expiration, End, or other Determination of any limited Estate of Fee-simple, or of any Fee-tail, or other particular Estate, hath or ought to have first fallen or become in Possession, or which shall or may or ought hereafter first to fall or come in Possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof; nor of, for, or from any Right or Title first accrued or grown to His Majesty, or any of His Progenitors, Predecessors, or Ancestors, or which shall first accrue or grow to His Majesty, or any of His Heirs, or Successors, of, in, or to, any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, at any Time or Times within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit of Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof, and not before.

Limitation of the Act with respect to Grants from the Crown of any limited Estate, &c.

4. Provided also, and be it enacted by Authority of the present Parliament, That this Act, or any Thing therein contained, shall not extend to any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, mentioned to be granted or conveyed by any of His Majesty's Progenitors, Predecessors, or Ancestors, or by any other under whom His Majesty claimeth, to any Person or Persons, of any limited Estate in Fee-simple, or of any Estate in Tail, or other particular Estate, which several Estates, (if the same had been good and effectual in Law) have or ought to have first fallen or become in Possession, or will or ought first to fall or come in Possession, within the Space of Sixty Years next before the filing, issuing, or commencing, of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid; nor to any Manors, Lands, Tenements, Rents, Tythes, or Hereditaments, mentioned to be granted or conveyed by any of His Majesty's Progenitors, Predecessors, or Ancestors, or by any other under whom His Majesty claimeth, to any Person or Persons in Fee-tail, or other particular Estate, whereof the Reversion or Inheritance (if such Estate Tail, or other particular Estate, had been good and effectual in Law) should have been and continued in His Majesty, or any of His Progenitors, Predecessors, or Ancestors, or should or ought hereafter to be and continue in His

Majesty, His Heirs or Successors, at any Time within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid.

5. Provided also, and be it enacted by the Authority of this present Parliament, That all and singular the said Manors, Lands, Tenements, and Hereditaments, shall at all Times hereafter be holden of His Majesty, His Heirs, and Successors, and of other Person and Persons, Bodies Politick and Corporate, their Heirs and Successors respectively, by the same Tenures, Services, Fee-farms, Chief Rents, Heriots, and other Duties, to all Intents and Purposes, as the same should or ought of Right to have been holden if the Estates, Rights, and Interests, established and made sure by this present Act, had been, before the making of this Act, firm, good, and effectual in Law.

The said Manors, &c. to be holden of the Crown upon the usual Tenures, Services, and Duties.

6. Saving to every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors (other than His most Excellent Majesty, His Heirs and Successors, and other than all Patentees or Grantees of Concealments, or defective Titles, and all and every Person or Persons claiming from, by, or under them, or any of them, for or in respect or by reason of any such Patents or Grants of Concealments, or defective Titles) all such Rights, Title, Interest, Estate, Rents, Commons, Customs, Duties, Profits, and other Claims and Demands whatsoever, in, to, or out of the said Manors, Lands, Tenements, Tythes, or Hereditaments, as they or any of them had or ought to have had before the making of this Act; any Thing in this Act to the contrary notwithstanding.

General Reservation of Rights.

7. Provided also, and be it enacted, That where any Fee Farm Rent, or other Rent or Rents, have been or shall be answered and actually paid to the King's Majesty, or to any His Predecessors, Heirs, or Successors, within the Space of Sixty Years next before an Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding, shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof, out of any Manors, Lands, Tenements, or Hereditaments, of which Manors, Lands, Tenements, or Hereditaments, the Estates, Rights, or Interests being defective, are established, and made sure by this present Act, that the King's Majesty, His Heirs and Successors, shall from henceforth for ever have, hold, and enjoy the said Rents, and Arrearages thereof, in such Manner and Form, and as fully and amply, as the same are or were enjoyed at any Time within the said Space of Sixty Years.

Provision for securing to the Crown such Fee Farm or other Rents, &c. as have been paid within a limited Time.

Right under any
Grant from the
Crown, of any
Manors, &c. made
before 1 Jan. 1769.
not prejudiced by
this Act.

8. Provided always, and be it enacted, That nothing in this Act contained shall extend or be prejudicial to the Right, Title, or Claim, of any Person or Persons in or to any Manors, Lands, Tenements, or Hereditaments, by virtue of or under any Grant or Grants, Letters Patent or Letters Patents, from any of His Majesty's Progenitors, Ancestors, or Predecessors, or by virtue of or under any Grant or Grants, Letters Patent or Letters Patents, from His Majesty, made or passed before the First Day of January, One thousand seven hundred and sixty-nine; so as such Right, Title, or Claim, be prosecuted with Effect by Bill, Complaint, Information, or other Suit or Proceeding, in some of His Majesty's Courts of Record at Westminster, within the Space of One Year from the First Day of January, One thousand seven hundred and sixty-nine.

if prosecuted
within a Year.

Right of the
Crown to any
Lands, &c. within
the Manor of East
Greenwich or
District of the
Savoy,

9. Provided always, and be it enacted, That nothing in this Act contained shall extend or be prejudicial to any Right, Title, or Claim, which His Majesty now hath to any Lands, Tenements, or Hereditaments, within the Manor of East Greenwich, in the County of Kent; or to any Messuages, Lands, Tenements, or Hereditaments, within the Precinct, District, or Liberty, commonly called The Savoy, in the County of Middlesex; or to any the Manors, Messuages, Advowsons, Buildings, Lands, Tenements, Hereditaments, and Appurtenances, being the Estate and Possession of the late Hospital of the Savoy, or of the Master and Chaplains of the said Hospital; so as such Right, Title, or Claim, be prosecuted with Effect by Bill, Complaint, Information, or other Suit or Proceeding, in some of His Majesty's Courts of Record at Westminster, within the Space of Two Years from the First Day of January, One thousand seven hundred and sixty-nine.

not prejudiced,

if prosecuted within
2 Years.

Provision declaring
what shall, or shall
not be deemed a
Putting in Charge,
standing insuper,
or taking or
answering by or to
the Crown, &c.

10. Provided always, and be it enacted by the Authority of this present Parliament, That no putting in Charge, nor standing insuper, nor taking or answering the Farm Rents, Revenues, or Profits of any of the said Manors, Lands, Tenements, or Hereditaments, by Force, Colour, or Pretext of any Letters Patent or Grants of Concealments, or defective Titles, or of Manors, Lands, Tenements, or Hereditaments, out of Charge, or by Force, Colour, or Pretext, of any Inquisitions, Presentments, by or by reason of any Commission or other Authority to find out Concealments, defective Titles, or Lands, Tenements, or Hereditaments out of Charge, shall be deemed, construed, or taken to be a Putting in Charge, standing insuper, or taking or answering the Farm Rents, Revenues, or Profits by or to His Majesty, or any of His Progenitors or Predecessors, Heirs or Successors; unless thereupon such Manors, Lands, Tenements, or Hereditaments, have been or shall be, upon some Information or Suit, on the Behalf of His Majesty, or some of His Progenitors or Predecessors, Heirs or Successors, upon a lawful Verdict given or

to be given, or Demurrer in Law adjudged, or upon a Hearing, ordered or decreed for His Majesty, or some of His Progenitors or Predecessors, Heirs or Successors, or some of them, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceedings as shall at any Time or Times hereafter be filed, issued, or commenced, for recovering the same, or in respect thereof as aforesaid.

CAP. XI.

An Act for the better regulating the future Marriages of the Royal Family.

[1772.]

Most Gracious Sovereign,

WHEREAS your Majesty, from your Paternal Affection to your own Family, and from your Royal Concern for the future Welfare of your People, and the Honour and Dignity of your Crown, was graciously pleased to recommend to your Parliament to take into their serious Consideration, Whether it might not be wise and expedient to supply the Defect of the Laws now in being, and, by some new Provision, more effectually to guard the descendants of his late Majesty King GEORGE the Second (other than the Issue of Princesses who have married, or may hereafter marry, into Foreign Families) from marrying without the Approbation of your Majesty, your Heirs or Successors, first had and obtained; we have taken this weighty Matter into our serious Consideration; and, being sensible that Marriages in the Royal Family are of the highest Importance to the State, and that therefore the Kings of this Realm have ever been entrusted with the Care and Approbation thereof; and being thoroughly convinced of the Wisdom and Expediency of what your Majesty has thought fit to recommend, upon this Occasion, we, your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, do humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the Authority of the

No Descendant of
Geo. 2. (other than,
&c.) capable of
contracting Matrimony
without Consent, &c.

same, That no Descendant of the Body of his late Majesty King GEORGE the Second, Male or Female (other than the Issue of Princesses who have married, or may hereafter marry, into Foreign Families) shall be capable of contracting Matrimony without the previous Consent of his Majesty, his Heirs or Successors, signified under the Great Seal, and declared in Council (which Consent, to preserve the Memory thereof, is hereby directed to be set out in the Licence and Register of Marriage, and to be entered in the Books of the Privy Council); and that every Marriage, or Matrimonial Contract, of any such Descendant, without such Consent first had and obtained, shall be null and void, to all Intents and Purposes whatsoever.

2. PROVIDED always, and be it enacted by the Authority aforesaid, That in case any such Descendant of the Body of his late Majesty King GEORGE the Second, being above the Age of twenty-five Years, shall persist in his or her Resolution to contract a Marriage disapproved of, or dissented from, by the King, his Heirs or Successors; that then such Descendant, upon giving Notice to the King's Privy Council, which Notice is hereby directed to be entered in the Books thereof, may at any Time from the Expiration of twelve Calendar Months after such Notice given to the Privy Council as aforesaid, contract such Marriage; and his or her Marriage with the Person before proposed, and rejected, may be duly solemnized, without the previous Consent of his Majesty, his Heirs or Successors; and such Marriage shall be good, as if this Act had never been made, unless both Houses of Parliament shall, before the Expiration of the said twelve Months, expressly declare their Disapprobation of such intended Marriage.

Persons who shall
wilfully assist, &c.
incur the Penalties
provided by 16 Rich.
2.

3. AND be it futher enacted by the Authority aforesaid, That every Person who shall knowingly or wilfully presume to solemnize, or to assist, or to be present at the Celebration of any Marriage with any such Descendant, or at his or her making any Matrimonial Contract, without such Consent as aforesaid first had and obtained, except in the Case above-mentioned, shall, being duly convicted thereof, incur and suffer the Pains and Penalties ordained and provided by the Statute of Provision and Premunire made in the sixteenth Year of the Reign of RICHARD the Second.

CAP. LXXVIII.

Fires Prevention (Metropolis) Act.

[1774.]

83. And, in order to deter and hinder ill-minded Persons from wilfully setting their House or Houses, or other Buildings, on Fire, with a view of gaining to themselves the Insurance Money, whereby the Lives and Fortunes of many Families may be lost or endangered; be it further enacted by the Authority aforesaid, that it shall and may be lawful to and for the respective Governors or Directors of the several Insurance Offices for insuring Houses or other Buildings against Loss by Fire, and they are hereby authorised and required, upon the Request of any Person or Persons interested in or intitled unto any House or Houses, or other Buildings which may hereafter be burnt down, demolished, or damaged by Fire, or upon the Grounds of Suspicion that the Owner or Owners, Occupier or Occupiers, or other Person or Persons who shall have insured such House or Houses, or other Buildings, have been guilty of Fraud, or of wilfully setting their House or Houses, or other Buildings, on Fire, to cause the Insurance Money to be laid out and expended, as far as the same will go, towards rebuilding, reinstating, or repairing, such House or Houses, or other Buildings, so burnt down, demolished, or damaged by Fire; unless the Party or Parties claiming such Insurance Money shall, within sixty Days next after his, her, or their Claim is adjusted, give a sufficient Security to the Governors or Directors of the Insurance Office, where such House or Houses, or other Buildings, are insured, that the same Insurance Money shall be laid out and expended as aforesaid; or unless the said Insurance Money shall be, in that Time, settled and disposed of to and amongst all the contending Parties, to the Satisfaction and Approbation of such Governors or Directors of such Insurance Office respectively.

86. And be it further enacted by the Authority aforesaid, That no Action, Suit, or Process whatever, shall be had, maintained, or prosecuted, against any Person in whose House, Chamber, Stable, Barn, or other Building, or on whose Estate any Fire shall, after the said twenty-fourth Day of June accidentally begin, nor shall any Recompence be made by such Person for any Damage suffered thereby, any Law, Usage, or Custom, to the contrary notwithstanding: And in such Case, if any Action be brought, the Defendant may plead the general Issue, and give this Act, and the special Matter in Evidence, at any Trial thereupon to be had; and in case the Plaintiff become nonsuited, or discontinue his Action or Suit, or if a Verdict pass against him, the Defendant shall recover Treble Costs: provided that no Contract or Agreement made between Landlord and Tenant shall be hereby defeated, or made void.

Money insured on Houses burnt how to be applied.

No Action to lie against a Person where the Fire accidentally begins.

CAP. CXL.

An Act to enable the Judges of His Majesty's Courts of Record at Westminster to award Writs of Habeas Corpus for bringing Persons detained in Gaol before Courts Martial, and the several Commissioners therein mentioned.

[11th August 1803.]

WHEREAS Writs of Habeas Corpus have been frequently awarded by the Judges of His Majesty's Courts of Record at Westminster, for bringing Persons detained in Custody under civil or criminal Process before Magistrates or Courts of Record, as well for Trial as for Examination touching Matters depending before such Magistrates or Courts respectively; but Doubts have arisen whether such Judges have Power to award Writs of Habeas Corpus for bringing Persons detained as aforesaid before Courts Martial, Commissioners of Bankrupt, Commissioners for auditing the Public Accounts, or other Commissioners acting under Commission or Warrant from His Majesty: And Whereas it is expedient to make Provision for bringing Prisoners before such Courts Martial or Commissioners for the Purposes hereinbefore mentioned; Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful for any Judge of His Majesty's Courts of King's Bench or Common Pleas respectively, or for any Baron of His Majesty's Court of Exchequer of the Degree of the Coif, at his discretion, to award a Writ or Writs of Habeas Corpus for bringing any Prisoner or Prisoners detained in any Gaol or Prison in that Part of the United Kingdom of Great Britain and Ireland called England, before any Court Martial, or before any Commissioners of Bankrupt, Commissioners for auditing the Public Accounts, or other Commissioners acting by virtue or under the Authority of any Commission or Warrant from His Majesty, His Heirs or Successors, for Trial, or to be examined touching any Matter depending before such Courts Martial or Commissioners respectively; and the like Proceedings shall be had upon such Writ or Writs of Habeas Corpus so to be awarded as aforesaid, as by Law may now be had upon Writs of Habeas Corpus for bringing Persons detained in Gaol before Magistrates or Courts of Record for such Purposes as aforesaid; any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding.

Any Judge of the Courts at Westminster may award Habeas Corpus for bringing up Prisoners for Trial or Examination before Courts Martial, Commissioners of Bankrupt, &c.

CAP. CII.

An Act for the more effectual Administration of Justice in those Parts of the United Kingdom of Great Britain and Ireland called England and Ireland, by the issuing of Writs of Habeas Corpus ad testificandum, in certain Cases.

[28th July 1804.]

WHEREAS it is expedient, for the more effectual Administration of Justice in those Parts of the United Kingdom of Great Britain and Ireland called England and Ireland, that further Provisions should be made for the issuing of Writs of Habeas Corpus ad testificandum, in certain Cases, Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall be lawful for any Judge of His Majesty's Courts of King's Bench or Common Pleas of England and Ireland respectively, or any Baron of His Majesty's Court of Exchequer of the Degree of the Coif in England, or any Baron of His Majesty's Court of Exchequer in Ireland, or any Justice of Oyer and Terminer or Gaol Delivery, being such Judge or Baron as aforesaid, at his Discretion to award a Writ or Writs of Habeas Corpus, for bringing any Prisoner or Prisoners detained in any Gaol or Prison before any of the said Courts, or any Sitting of Nisi Prius, or before any other Court of Record in the said Parts of the said United Kingdom, to be there examined as a Witness or Witnesses, and to testify the Truth before such Courts, or any Grand, Petit or other Jury, in any Cause or Causes, Matter or Matters, Civil or Criminal, whatsoever, which now are or hereafter shall be depending, or to be inquired into or determined in any of the said Courts.

Judge of Superior Courts in England or Ireland may award Writs of Habeas Corpus for bringing up Prisoners as Witnesses.

2. And be it further enacted, That every Justice of Great Session in Wales, and in the County Palatine of Chester, shall have the like Authority within the Limits of his Jurisdiction.

Like Authority of Justices in Wales.

CAP. CXXIII.

An Act for the Discharge of Debtors in Execution for Small Debts, from Imprisonment in certain Cases.

[30th June 1808.]

WHEREAS it might tend greatly to the Relief of certain Debtors in Execution for Small Debts, and at the same Time occasion no material Prejudice to Trade and publick Credit if such Debtors should, after a limited Period of Imprisonment, be allowed the Benefit of a Discharge therefrom, the Creditors at whose Suit they were so in Execution being at the same Time authorized to take out other Writs of Execution against the Land and Goods of such Debtors, or to use other Remedy for the Satisfaction of their Debts, as if the Persons of such Debtors had never been taken in Execution; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, All Persons in Execution upon any Judgment in whatsoever Court the same may have been obtained, and whether such Court be or be not a Court of Record, for any Debt or Damages not exceeding the Sum of Twenty Pounds, exclusive of the Costs recovered by such Judgment, and who shall have lain in Prison thereupon for the Space of Twelve successive Calendar Months next before the Time of their Application to be discharged as herein-after mentioned, shall and may, upon his, her, or their Application for that Purpose in Term-time made to some One of His Majesty's Superior Courts of Record at Westminster, to the Satisfaction of such Court, be forthwith discharged out of Custody, as to such Execution by the Rule or Order of such Court: Provided always, that in the Case of any such Application being made to be discharged out of Execution upon a Judgment obtained in any of His Majesty's Superior Courts of Record at Westminster, such Application shall be made to such One of those Courts only, wherein such Judgment shall have been obtained, and that whether the Person so in Execution shall then be actually detained in the Gaol or Prison of the same Court, or shall then stand committed on Habeas Corpus to the Gaol or Prison of another Court: Provided always, that if it shall happen that any such Discharge shall have been unduly or fraudulently obtained upon any false Allegation of Circumstances, which if true might have entitled the Prisoner to be discharged by virtue of this Act, such Prisoner shall, upon the same being made appear to the Satisfaction of the Court by whose Rule or Order the said Prisoner had been so discharged, be liable to be again taken in Execution and

Persons having lain in Prison for a Year in Execution on Judgment of any Court, whether of Record or not, for any Debt or Damages not exceeding 20l. (exclusive of Costs), shall be discharged, on Application to the Courts at Westminster in Term Time.

Persons fraudulently obtaining Discharge may be re-taken in Execution, &c.

remanded to his former Custody by the Rule or Order of the same Court: Provided also, that no Sheriff, Gaoler, or other Person whatsoever shall be liable as for the Escape of any such Prisoner in respect of his Enlargement during such Time as he shall have been at large, by means of such his undue Discharge as aforesaid: Provided always, that for and notwithstanding the Discharge of any Debtor or Debtors by virtue of this Act, the Judgment whereupon any such Debtor or Debtors was or were taken or charged in Execution, shall nevertheless continue and remain in full Force to all Intents and Purposes, except as to the taking in Execution the Person or Persons of such Debtor or Debtors thereupon, as is herein-after provided: And that it shall and may be lawful for the Creditor or Creditors, at whose Suit such Debtor or Debtors had been, was or were so taken or charged in Execution, to take out all such Execution or Executions on every such Judgment against the Lands, Tenements, Hereditaments, Goods and Chattels of any such Debtor or Debtors (other than and except the necessary Wearing Apparel and Bedding of and for him, her, or them, and for his, her, or their Family, and the necessary Tools for his, her, or their Trade or Occupation, not exceeding the value of Ten Pounds in the Whole); or to bring any such Action or Actions or any such Judgment against such Debtor or Debtors respectively, or to bring any such Action or use any such Remedy for the Recovery and Satisfaction of his, her, or their Demand, against any other Person or Persons liable to satisfy the same, in such and the same Manner, but in such and the same Manner only as such Creditor or Creditors otherwise could or might have done in case such Debtor or Debtors had never been taken or charged in Execution upon such Judgment: Provided always, that no Debtor or Debtors who shall be duly discharged in pursuance of this Act, shall at any Time afterwards be taken or charged in Execution upon any Judgment herein so as before declared to continue and remain in full Force, nor be arrested in any Action to be brought on any such Judgment, and that no Proceedings whatsoever by Scire Facias, Action, or otherwise, shall be maintained or had against the Bail in any Action upon the Judgment wherein the Defendant or Defendants shall have been charged in Execution, and afterwards discharged by virtue of the Provisions of this Act.

Such Discharge no
Escape.

Estate of the
Debtors so
discharged shall
remain liable.

Except necessities.

But such Debtors
shall not be arrested
in any Action on
such Judgment, &c.

2. And be it further enacted by the Authority aforesaid, That this Act shall not extend or be construed to extend to those Parts of the United Kingdom of Great Britain and Ireland, which are commonly called Ireland and Scotland.

Act not extended
to Ireland or
Scotland.

CAP. CXXXIV.

An Act for altering the Rate at which the Crown may exercise its Right of Pre-emption of Ore in which there is Lead.

[4th July 1815.]

5 & 6 W. & M. c. 6. **W**HEREAS by an Act passed in the Fifth Year of the Reign
of Their late Majesties King William and Queen Mary,
intituled *An Act to prevent Disputes and Controversies concerning*
§ 2 *Royal Mines*, Owners of Mines within the Kingdom of England,
Dominion of Wales, or Town of Berwick upon Tweed, wherein any
Ore should be discovered, and in which there is Copper, Tin, Iron
or Lead, are authorized to hold and enjoy the same Mines and Ore,
and to continue in Possession thereof, and to dig and work the
said Mines, notwithstanding that such Mines or Ore should be
§ 3 pretended or claimed to be Royal Mines subject to a Right in Their
Majesties, Their Heirs and Successors, and all claiming any Royal
Mines under them, to have the Ore of any such Mines in any Part
of the said Kingdom of England, Dominion of Wales or Town of
Berwick upon Tweed, other than Tin Ore in the Counties of Devon
and Cornwall, paying to the Proprietors or Owners of the said
Mines certain Rates contained in the said Act, in the manner and
according to the Limitations specified in the said recited Act: And
Whereas the Rate therein directed to be paid for all Ore wherein
thereis Lead is in consequence of the Lapse of Time and Change of
Circumstances since the passing of the said recited Act become
inadequate to the increased Expence of raising the same, and it is
reasonable therefore that the same should be increased: May it
therefore please Your Majesty that it may be enacted; and be it
enacted by the King's Most Excellent Majesty, by and with the
Advice and Consent of the Lords Spiritual and Temporal, and
Commons, in this present Parliament assembled, and by the
Authority of the same, That, from and after the passing of this
Act, the Rate which shall be paid by His Majesty, his Heirs and
Successors, and all claiming any Royal Mines under them, in
exercising the Right of Pre-emption given them by the said recited
Act, as far as respects any Ore wherein there is Lead, shall be
Twenty five Pounds per Ton for all Ore washed, made clean and
merchantable, wherein there is Lead, instead of the Rate of Nine
Pounds per Ton as by the said recited Act is directed; any thing
in the said recited Act to the contrary notwithstanding; and such
increased Rate shall be paid, subject to the Provisions and accord-
ing to the Regulations contained in the said recited Act, and now
in force, with regard to the said original Rate of Nine Pounds
per Ton.

25l. per Ton instead
of 9l.
Rate at which His
Majesty, &c. may
exercise Right of
Pre-emption of Ore
in which there is
Lead.

CAP. C.

An Act for more effectually securing the Liberty of the Subject.

[1st July 1816.]

WHEREAS the Writ of Habeas Corpus hath been found by Experience to be an expeditious and effectual Method of restoring any Person to his Liberty, who hath been unjustly deprived thereof: And Whereas extending the Remedy of such Writ, and enforcing Obedience thereunto, and preventing Delays in the Execution thereof, will be advantageous to the Public: And Whereas the Provisions made by an Act passed in England in the Thirty first Year of King Charles the Second, intituled *An Act for the better securing the Liberty of the Subject, and for Prevention of Imprisonment beyond the Seas*, and also by an Act passed in Ireland in the Twenty first and Twenty second Years of His present Majesty, intituled *An Act for better securing the Liberty of the Subject*, only extend to cases of Commitment or Detainer for criminal or supposed criminal matter; Be it therefore enacted by The King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Person shall be confined or restrained of his or her Liberty (otherwise than for some criminal or supposed criminal matter, and except Persons imprisoned for Debt or by Process in any civil Suit) within that Part of Great Britain called England, Dominion of Wales, or Town of Berwick upon Tweed, or the Isles of Jersey, Guernsey or Man, it shall and may be lawful for any One of the Barons of the Exchequer, of the Degree of the Coif, as well as for any One of the Justices of One Bench or the other; and where any Person shall be so confined in Ireland, it shall and may be lawful for any One of the Barons of the Exchequer, or of the Justices of One Bench or the other in Ireland; and they are hereby required, upon Complaint made to them by or on the behalf of the Person so confined or restrained, if it shall appear by Affidavit or Affirmation (in cases where by Law an Affirmation is allowed) that there is a probable and reasonable Ground for such Complaint, to award in Vacation time, a Writ of Habeas Corpus ad subjiciendum, under the Seal of such Court, whereof he or they shall then be Judges or One of the Judges, to be directed to the Person or Persons in whose Custody or Power the Party so confined or restrained shall be, returnable immediately before the Person so awarding the same, or before any other Judge of the Court under the Seal of which the said Writ issued.

31 Car. 2. c. 2.

Irish Act, 21 & 22 G. 3.

Judges to issue, in Vacation, Writs of Habeas Corpus returnable immediately, in cases other than for criminal matter, or for Debt.

Non Obedience to
such Writ, to be a
Contempt of Court.

2. And be it further enacted by the Authority aforesaid, That if the Person or Persons, to whom any Writ of Habeas Corpus shall be directed according to the Provision of this Act, upon Service of such Writ, either by the actual Delivery thereof to him, her or them, or by leaving the same at the Place where the Party shall be confined or restrained, with any Servant or Agent of the Person or Persons so confining or restraining, shall wilfully neglect or refuse to make a Return or pay Obedience thereto, he, she or they shall be deemed guilty of a Contempt of the Court, under the Seal whereof such Writ shall have issued; and it shall be lawful to and for the said Justice or Baron, before whom such Writ shall be returnable, upon Proof made by Affidavit of wilful Disobedience of the said Writ, to issue a Warrant under his Hand and Seal, for the apprehending and bringing before him, or before some other Justice or Baron of the same Court, the Person or Persons so wilfully disobeying the said Writ, in order to his, her or their being bound to the King's Majesty, with Two sufficient Sureties, in such Sum as in the Warrant shall be expressed, with Condition to appear in the Court of which the said Justice or Baron is a Judge, at a Day in the ensuing Term to be mentioned in the said Warrant, to answer the matter of Contempt with which he, she or they are charged; and in case of Neglect or Refusal to become bound as aforesaid, it shall be lawful for such Justice or Baron to commit such Person or Persons so neglecting or refusing, to the Jail or Prison of the Court of which such Justice or Baron shall be a Judge, thereto remain until he, she or they shall have become bound as aforesaid, or shall be discharged by Order of the Court in Term time, or by Order of one of the Justices or Barons of the Court in Vacation; and the Recognizance or Recognizances to be taken thereupon shall be returned and filed in the same Court, and shall continue in force until the matter of such Contempt shall have been heard and determined, unless sooner ordered by the Court to be discharged: Provided, that if such Writ shall be awarded so late in the Vacation by any one of the said Justices or Barons, that, in his Opinion, Obedience thereto cannot be conveniently paid during such Vacation, the same shall and may, at his Discretion, be made returnable in the Court of which the said Justice or Baron shall be a Justice or Baron, at a Day certain in the next Term; and the said Court shall and may proceed thereupon, and award Process of Contempt in case of Disobedience thereto, in like manner as upon Disobedience to any Writ originally awarded by the said Court: Provided also, that if such Writ shall be awarded by the Court of King's Bench, or the Court of Common Pleas, or Court of Exchequer, in the said Countries respectively, which last mentioned Court shall have like Power to award such Writs as the respective Courts of King's Bench and Common Pleas in each of the said Countries now have in Term, but so late that, in the Judgment of the Court, Obedience

Punishment.

Judges to make
Writs of Habeas
Corpus, issued in
Vacation, return-
able in Court in
the next Term.

Proviso.

Courts to make
Writs issued in
Term, returnable
in Vacation.

thereto cannot be conveniently paid during such Term, the same shall and may, at the Discretion of the said Court, be made returnable at a Day certain in the then next Vacation, before any Justice or Baron of the Degree of the Coif, or if in Ireland, before any Justice or Baron of the same Court, who shall and may proceed thereupon, in such manner as by this Act is directed concerning Writs issuing in and made returnable during the Vacation.

3. And be it further enacted by the Authority aforesaid, That in all cases provided for by this Act, although the Return to any Writ of Habeas Corpus shall be good and sufficient in law, it shall be lawful for the Justice or Baron before whom such Writ may be returnable, to proceed to examine into the Truth of the Facts set forth in such Return, by Affidavit or by Affirmation (in cases where an Affirmation is allowed by Law) and to do therein as to Justice shall appertain; and if such Writ shall be returned before any One of the said Justices or Barons, and it shall appear doubtful to him on such Examination, whether the material Facts set forth in the said Return, or any of them, be true or not, in such case it shall and may be lawful for the said Justice or Baron to let to bail the said Person so confined or restrained, upon his or her entering into a Recognizance with One or more Sureties, or in case of Infancy or Coverture, or other Disability, upon Security by Recognizance, in a reasonable Sum, to appear in the Court of which the said Justice or Baron shall be a Justice or Baron, upon a Day certain in the Term following, and so from Day to Day as the Court shall require, and to abide such Order as the Court shall make in and concerning the Premises; and such Justice or Baron shall transmit into the same Court the said Writ and Return, together with such Recognizance, Affidavits and Affirmations; and thereupon it shall be lawful for the said Court to proceed to examine into the Truth of the Facts set forth in the Return, in a summary way by Affidavit or Affirmation (in cases where by Law Affirmation is allowed), and to order and determine touching the discharging, bailing or remanding the Party.

Judges to inquire into the Truth of Facts contained in Return.

Judge to bail on Recognizance to appear in Term, &c.

Court to examine into the Truth of Facts set forth in Return.

4. And be it further enacted by the Authority aforesaid, That the like Proceeding may be had in the Court for controverting the Truth of the Return to any such Writ of Habeas Corpus, awarded as aforesaid, although such Writ shall be awarded by the said Court itself, or be returnable therein.

Court may controvert Truth of Return.

5. And be it declared and enacted by the Authority aforesaid, That a Writ of Habeas Corpus, according to the true Intent and Meaning of this Act, may be directed and run into any County Palatine or Cinque Port, or any other privileged Place within that Part of Great Britain called England, Dominion of Wales, and Town of Berwick upon Tweed, and the Isles of Jersey, Guernsey

Writ may run into Counties Palatine, Cinque Ports and privileged Places, &c.

and Man, respectively; and also in any Port, Harbour, Road, Creek or Bay upon the Coast of England or Wales, although the same should lie out of the Body of any County; and if such Writ shall issue in Ireland, the same may be directed and run into any Port, Harbour, Road, Creek or Bay, although the same should not be in the Body of any County; any Law or Usage to the contrary in any-wise notwithstanding.

Process of Contempt
may be awarded in
Vacation against
Persons disobeying
Writs of Habeas
Corpus in cases
within Stat. 31
Car. 2. c. 2.

6. And be it further enacted by the Authority aforesaid, That the several Provisions made in this Act, touching the making Writs of Habeas Corpus, issuing in time of Vacation, returnable into the said Courts, or for making such Writs awarded in Term time, returnable in Vacation, as the cases may respectively happen, and also for making wilful Disobedience thereto a Contempt of the Court, and for issuing Warrants to apprehend and bring before the said Justices or Barons, or any of them, any Person or Persons wilfully disobeying any such Writ, and in case of Neglect or Refusal to become bound as aforesaid, for committing the Person or Persons so neglecting or refusing to Jail as aforesaid, respecting the Recognizances to be taken as aforesaid, and the Proceeding or Proceedings thereon, shall extend to all Writs of Habeas Corpus awarded in Pursuance of the said Act, passed in England in the Thirty first Year of the Reign of King Charles the Second, or of the said Act passed in Ireland in the Twenty first and Twenty second Years of His present Majesty, and hereinbefore recited, in as ample and beneficial a manner as if such Writs and the said cases arising thereon had been hereinbefore specially named and provided for respectively.

CAP. XXXIX.

An Act for preventing Frauds upon Creditors, by Secret Warrants of Attorney to confess Judgment.

[24th June 1822.]

WHEREAS Injustice is frequently done to Creditors by Secret Warrants of Attorney to confess Judgments for securing the Payment of Money; whereby Persons in a State of Insolvency are enabled to keep up the Appearance of being in good Circumstances, and the Persons holding such Warrants of Attorney have the Power of taking the Property of such Insolvents in Execution at any Time, to the Exclusion of the Rest of their Creditors: For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of September next, if the Holder thereof shall think fit, every Warrant of Attorney to confess Judgment in any Personal Action, or a true Copy thereof, and of the Attestation thereof, and the Defeasance and Indorsements thereon, in case such Warrant of Attorney shall be given to confess Judgment in His Majesty's Court of King's Bench, at Westminster, or such a true Copy thereof as aforesaid, in case such Warrant of Attorney shall be given to confess Judgment in any other Court, shall, within Twenty one Days after the Execution of such Warrant of Attorney, be filed, together with an Affidavit of the Time of the Execution thereof, with the Clerk of the Docquets and Judgments in the said Court of King's Bench.

Warrants of Attorney in Personal Actions to be filed within 21 Days.

2. And be it further enacted, That from and after the said Twenty ninth Day of September next, if at any Time after the Expiration of Twenty one Days next after the Execution of such Warrant of Attorney, a Commission of Bankrupt shall be issued against the Person who shall have given such Warrant of Attorney, under which he shall be duly found and declared a Bankrupt, then and in such Case, unless such Warrant of Attorney or a Copy thereof, shall have been filed as aforesaid, within the said Space of Twenty-one Days from the Execution thereof, or unless Judgment shall have been signed, or Execution issued on such Warrant of Attorney within the same Period, such Warrant of Attorney and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees under such Commission, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt at large, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

In what Case Warrant of Attorney, &c. deemed fraudulent and void.

3. And Whereas the Object of the said Provision may be defeated by any Person giving a Cognovit Actionem instead of a Warrant of Attorney to confess Judgment; Be it further enacted, That every Cognovit Actionem, given by any Defendant in any Personal Action, in case the Action in which such Cognovit Actionem shall be given shall be in the said Court of King's Bench, or a true Copy of such Cognovit Actionem in case the Action wherein the same is given shall be in any other Court, shall, together with an Affidavit of the Time of the Execution thereof, be filed with the said Clerk, in like Manner as such Warrants of Attorney, or Copies thereof and Affidavits, within the Space of Twenty one Days after such Cognovit Actionem shall have been executed, otherwise such Cognovit Actionem, and any Judgment entered up thereon, and any Execution taken out on such Judgment, shall be deemed fraudulent and void against the Assignees of the Person giving such Cognovit Actionem, under a Commission

Cognovit Actionem to be filed in like manner, or void against Creditors.

of Bankrupt issued against him, after the Expiration of the said Space of Twenty one Days, in like manner as Warrants of Attorney, and Judgments and Executions thereon, are deemed and taken to be fraudulent and void by this Act.

Defeasance of
Warrant of Attor-
ney, &c. written on
same Paper.

4. And be it further enacted, That if such Warrant of Attorney or Cognovit Actionem shall be given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit Actionem shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or Cognovit Actionem shall be null and void to all Intents and Purposes.

Officer of Court
to keep a Book
containing List and
Particulars of each
Warrant of Attor-
ney and Cognovit.

5. And be it further enacted, That the said Officer of the said Court of King's Bench shall cause every Warrant of Attorney and Cognovit Actionem in any Personal Action, and every Copy thereof, filed in his said Office, to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be fairly entered an alphabetical List of every such Warrant of Attorney or Cognovit, containing therein the Names and Additions, and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney or Cognovits, and also the Names, Additions and Descriptions of the Plaintiff or Persons in whose Favour the same shall have been given, together with the Number and the Dates of the Execution and Filing of the same, or of a Copy thereof respectively, and the Sums for which Judgment is to be entered up, and also the Sums which are specified to be paid by the Defeasances or Conditions in each Warrant of Attorney or Cognovit Actionem, and the Times when the same are thereby made payable, according to the Form contained in the Schedule to this Act; which said Book or Books, and every Warrant of Attorney and Cognovit Actionem, or Copy thereof, filed in the said Office, shall be searched and viewed by all Persons at all seasonable Times, paying to the Officer for every Search against One Person, the Sum of Six Pence, and no more.

Fee.

Fee for filing.

6. And be it further enacted, That the said Officer shall be entitled to receive, for his Trouble in filing and entering such Warrant of Attorney or Cognovit, or a Copy thereof as aforesaid, the Sum of One Shilling and no more.

Office Copies had
on paying for.

7. And be it further enacted, That any Person shall be entitled to have an Office Copy of each Warrant of Attorney or Cognovit Actionem, or of the Copy thereof, filed as aforesaid, upon paying for the same at the like Rate as for Office Copies of Judgments in each of such Courts respectively.

8. And be it further enacted, That it shall be lawful for any of the Judges of the Court in which such Warrant of Attorney or Cognovit Actionem is given, to order a Memorandum of Satisfaction to be written upon such Warrant of Attorney, Cognovit Actionem, or Copy thereof respectively, as aforesaid, if it shall appear to him that the Debt for which such Warrant of Attorney or Cognovit Actionem is given as a Security shall have been satisfied or discharged.

Satisfaction entered on Warrants of Attorney and Cognovits.

SCHEDULE.

Name, &c. of the person giving the Warrant of Attorney or Cognovit.	Name, &c. of Person for whom given.	Whether Warrant of Attorney or Cognovit; and Number.	Date of Execution.	Date of Filing.	Sum for which given.	Defeasance.
A. B. of Manufac-turer.	C. D. of Merchant.	Warrant of Attorney. No. 1.	Jan. 1. 182	Jan. 10.	£1,000.	To secure £500. payable, &c.

CAP. XLII.

28. And be it further enacted, That upon all Debts or Sums certain, payable at a certain Time or otherwise, the Jury on the Trial of any Issue, or on any Inquisition of Damages, may, if they shall think fit, allow Interest to the Creditor at a Rate not exceeding the current Rate of Interest from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Term of Payment; provided that Interest shall be payable in all Cases in which it is now payable by Law.

Jury empowered to allow Interest upon Debts.

29. And be it further enacted, That the Jury on the Trial of any Issue, or on any Inquisition of Damages, may, if they shall think fit, give Damages in the Nature of Interest, over and above the Value of the Goods at the Time of the Conversion or Seizure, in all Actions of Trover or Trespass de bonis asportatis, and over and above the Money recoverable in all Actions on Policies of Assurance made after the passing of this Act.

In certain Actions the Jury may give Damages in the Nature of Interest.

CAP. XLI.

An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions.

[31st August 1835.]

16 Car. 2. c. 7.

10 Will. 3. (1.)

9 Ann. c. 14.

11 Ann. (1.)

WHEREAS by an Act passed in the Sixteenth Year of the Reign of His late Majesty King Charles the Second, and by an Act passed in the Parliament of Ireland in the Tenth Year of the Reign of His late Majesty King William the Third, each of such Acts being intituled *An Act against deceitful, disorderly, and excessive Gaming*, it was enacted, that all and singular Judgments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements, and other Acts, Deeds, and Securities whatsoever, which should be obtained, made, given, acknowledged, or entered into for Security or Satisfaction of or for any Money or other Thing lost at Play or otherwise as in the said Acts respectively is mentioned, or for any Part thereof, should be utterly void and of none effect: And whereas by an Act passed in the Ninth Year of the Reign of Her late Majesty Queen Anne, and also by an Act passed in the Parliament of Ireland in the Eleventh Year of the Reign of Her said late Majesty, each of such Acts being intituled *An Act for the better preventing of excessive and deceitful Gaming*, it was enacted, that from and after the several Days therein respectively mentioned all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatsoever, given, granted, drawn, or entered into or executed by any Person or Persons whatsoever, where the Whole or any Part of the Consideration of such Conveyances or Securities should be for any Money or other valuable Thing whatsoever won by gaming or playing at Cards, Dice, Tables, Tennis, Bowls, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as did game at any of the Games aforesaid, or for the reimbursing or repaying any Money knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the Time and Place of such Play to any Person or Persons so gaming or betting as aforesaid, or that should, during such Play, so play and bet, should be utterly void, frustrate, and of none effect, to all Intents and Purposes whatsoever, and that where such Mortgages, Securities, or other Conveyances should be of Lands, Tenements, or Hereditaments, or should be such as should incumber or affect the same, such Mortgages, Securities, or other Conveyances should enure and be to and for the sole Use and Benefit of and should devolve upon such Person or Persons as should or might have or be entitled to such Lands or Hereditaments in case the said

Grantor or Grantors thereof, or the Person or Persons so incumbering the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances had been made to such Person or Persons so to be entitled after the Decease of the Person or Persons so incumbering the same; and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements, or Hereditaments from coming to or devolving upon such Person or Persons thereby intended to enjoy the same as aforesaid should be deemed fraudulent and void and of none effect, to all Intents and Purposes whatsoever: And whereas by an Act passed in the Twelfth Year of the Reign of Her said late Majesty Queen Anne, intituled *An Act to reduce the Rate of Interest without any Prejudice to Parliamentary Securities*, it was enacted, that all Bonds, Contracts, and Assurances whatsoever made after the Twenty-ninth Day of September One thousand seven hundred and fourteen for Payment of any Principal of Money to be lent or covenanted to be performed upon or for any Usury, whereupon or whereby there should be reserved or taken above the Rate of Five Pounds in the Hundred, as therein mentioned, should be utterly void: And whereas by an Act passed in the Parliament of Ireland in the Fifth Year of the Reign of His late Majesty King George the Second, intituled *An Act for reducing the Interest of Money to Six per Cent*, it was enacted, that all Bonds, Contracts, and Assurances whatsoever made after the First Day of May One thousand seven hundred and thirty-two for Payment of any Principal or Money to be lent or Covenant to be performed upon or for any Loan, whereupon or whereby there should be taken or reserved above the Rate of Six Pounds in the Hundred, should be utterly void: And whereas by an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to afford Relief to the bona fide Holders of negotiable Securities without Notice that they were given for a usurious Consideration*, it was enacted, that no Bill of Exchange or Promissory Note that should be drawn or made after the passing of that Act should, though it might have been given for a usurious Consideration or upon a usurious Contract, be void in the Hands of an Indorsee for valuable Consideration, unless such Indorsee had at the Time of discounting or paying such Consideration for the actual Notice that such Bill of Exchange or Promissory Note had been originally given for a usurious Consideration, or upon a usurious Contract: And whereas by an Act passed in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of His said late Majesty King George the Third, intituled *An Act to prevent Frauds committed by Bankrupts*, it was enacted, that every Bond, Bill, Note, Contract, Agreement, or other Security whatsoever to be made or given by any Bankrupt or by any other Person unto or to the Use of or in Trust for any Creditor or Creditors, or for the Security of the Payment of any Debt or Sum of Money due from

12 Ann. st. 2. c. 16.

5 G. 2. (1.)

58 G. 3. c. 93.

11 & 12 G. 3. (1.)

45 G. 3. c. 72.

6 G. 4. c. 16.

such Bankrupt at the Time of his becoming bankrupt, or any Part thereof, between the Time of his becoming Bankrupt, and such Bankrupt's Discharge, as a Consideration or to the Intent to persuade him, her, or them to consent to or sign any such Allowance or Certificate, should be wholly void and of no effect, and the Monies there secured or agreed to be paid should not be recovered or recoverable: And whereas by an Act passed in the Forty-fifth Year of the Reign of His said late Majesty King George the Third, intituled *An Act for the encouragement of Seamen, and for the better and more effectually manning His Majesty's Navy during the present War*, it was enacted, that all Contracts and Agreements which should be entered into, and all Bills, Notes, and other Securities which should be given, by any Person or Persons for Ransom of any Ship or Vessel, or of any Merchandize or Goods on board the same, contrary to that Act, should be absolutely null and void in Law, and of no effect whatsoever: And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, it was enacted, that any Contract or Security made or given by any Bankrupt or other Person unto or in Trust for any Creditor, or for securing the Payment of any Money due by such Bankrupt, at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to consent to or sign the Certificate of any such Bankrupt, should be void, and the Money thereby secured or agreed to be paid should not be recoverable, and the Party sued on such Contract or Security might plead the General Issue, and give that Act and the special Matter in Evidence: And whereas Securities and Instruments made void by virtue of the several herein-before recited Acts of the Sixteenth Year of the Reign of His said late Majesty King Charles the Second, the Tenth Year of the Reign of His said late Majesty King William the Third, the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen Anne, the Eleventh and Twelfth Years of the Reign of His said late Majesty King George the Third, the Forty-fifth Year of the Reign of His said late Majesty King George the Third, and the Sixth Year of the Reign of His said late Majesty King George the Fourth, and Securities and Instruments made void by virtue of the said Act of the Twelfth Year of the Reign of Her said late Majesty Queen Anne and the Fifth Year of the Reign of His said late Majesty King George the Second, other than Bills of Exchange or Promissory Notes made valid by the said Act of the Fifty-eighth Year of the Reign of His said late Majesty King George the Third, are sometimes indorsed, transferred, assigned, or conveyed to Purchasers or other Persons for a valuable Consideration, without Notice of the original Consideration for which such Securities or Instruments were given; and the Avoidance of such Securities or Instruments in the Hands of such Purchasers or other Persons is often attended with great Hardship

and Injustice: For Remedy thereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the herein-before recited Acts of the Sixteenth Year of the Reign of His said late Majesty King Charles the Second, the Tenth Year of the Reign of His said late Majesty King William the Third, the Ninth, Eleventh, and Twelfth Years of the Reign of Her said late Majesty Queen Anne, the Fifth Year of the Reign of His said late Majesty King George the Second, the Eleventh and Twelfth and the Forty-fifth Years of the Reign of His said late Majesty King George the Third, and the Sixth Year of the Reign of His said late Majesty King George the Fourth, as enacts that any Note, Bill, or Mortgage shall be absolutely void, shall be and the same is hereby repealed; but nevertheless every Note, Bill, or Mortgage which if this Act had not been passed would, by virtue of the said several lastly herein-before mentioned Acts or any of them, have been absolutely void, shall be deemed and taken to have been made, drawn, accepted, given, or executed for an illegal Consideration, and the said several Acts shall have the same Force and Effect which they would respectively have had if instead of enacting that any such Note, Bill, or Mortgage should be absolutely void, such Acts had respectively provided that every such Note, Bill, or Mortgage should be deemed and taken to have been made, drawn, accepted, given, or executed for an illegal Consideration: Provided always, that nothing herein contained shall prejudice or affect any Note, Bill, or Mortgage which would have been good and valid if this Act had not been passed.

Securities given for Considerations arising out of illegal Transactions not to be void, but to be deemed to have been given for an illegal Consideration.

2. And be it further enacted, That in case any Person shall, after the passing of this Act, make, draw, give, or execute any Note, Bill, or Mortgage for any Consideration on account of which the same is by the herein-before recited Acts of the Sixteenth Year of the Reign of His said late Majesty King Charles the Second, the Tenth Year of the Reign of His said late Majesty King William the Third, and the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen Anne, or by any one or more of such Acts, declared to be void, and such Person shall actually pay to any Indorsee, Holder, or Assignee of such Note, Bill, or Mortgage the Amount of the Money thereby secured, or any Part thereof, such Money so paid shall be deemed and taken to have been paid for and on account of the Person to whom such Note, Bill, or Mortgage was originally given upon such illegal Consideration as aforesaid, and shall be deemed and taken to be a Debt due and owing from such last-named Person to the Person who shall so have paid such Money, and shall accordingly be recoverable by Action at Law in any of His Majesty's Courts of Record.

Money paid to the Holder of such Securities shall be deemed to be paid on account of the Person to whom the same was originally given.

Repealing so much of recited Acts of 9 & 11 Ann. as enacts that Securities shall enure for the Benefit of Parties in Remainder.

3. And be it further enacted, That so much of the said Acts of the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen Anne as enacts that where such Mortgages, Securities, or other Conveyances as therein mentioned should be of Lands, Tenements, or Hereditaments, or should be such as should incumber or affect the same, such Mortgages, Securities, or other Conveyances should enure and be to and for the sole Use and Benefit of and should devolve upon such Person or Persons as should or might have or be entitled to such Lands or Hereditaments in case the Grantor or Grantors thereof, or the Person or Persons incumbering the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances had been made to such Person or Persons so to be entitled after the Decease of the Person or Persons so incumbering the same, and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements, or Hereditaments from coming to or devolving upon such Person or Persons thereby intended to enjoy the same as aforesaid, should be deemed fraudulent and void, and of none effect, to all Intents and Purposes whatsoever, shall be and the same is hereby repealed; saving to all Persons all Rights acquired by virtue thereof previously to the passing of this Act.

Act may be altered, &c.

4. And be it further enacted, That this Act may be altered or repealed by any other Act during this present Session of Parliament.

CAP. XLV.

An Act to extend the Jurisdiction of the Judges of the Superior Courts of Common Law; to amend Chapter Fifty-six of the First Year of Her present Majesty's Reign for regulating the Admission of Attornies; and to provide for the taking of Special Bail in the Absence of the Judges.

[27th July 1838.]

11 G. 4. & 1 W. 4.
c. 70. s. 4.

WHEREAS by an Act passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the more effectual Administration of Justice in England and Wales*, it is enacted, that every Judge of the Superior Courts of Common Law, to whatever Court he may belong, shall be authorized to transact such Business, at Chambers or elsewhere, depending in any of the said Courts, as relates to Matters over which the said Courts have common Jurisdiction, and as may according to the Course and Practice of the Court be transacted by a single Judge: And whereas it is expedient that the Authority of the Judges of the said Courts should be extended to any Business which may be

transacted by a single Judge in any of the said Courts as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Judge of the Courts of Queen's Bench, Common Pleas, or Exchequer shall have equal Jurisdiction, Power, and Authority to transact out of Court such Business as may, according to the Course and Practice of the Court, be so transacted by a single Judge, relating to any Suit or Proceeding, in either of the said Courts of Queen's Bench or Common Pleas, or on the Common Law or Revenue Side of the said Court of Exchequer, or relating to the granting Writs of Certiorari or Habeas Corpus, or the admitting Prisoners on Criminal Charges to Bail, or the issuing of Extents or other Process for the Recovery of Debts due to Her Majesty, or relating to any other Matter or Thing usually transacted out of Court, although the said Courts have no Common Jurisdiction therein, in like Manner as if the Judge transacting such Business had been a Judge of the Court to which the same by Law belongs.

Every Judge of the Courts at Westminster may transact such Business as may now be transacted by a single Judge, although the Courts have no common Jurisdiction therein.

2. And whereas by another Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, intituled *An Act to enable the Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims*, Provision is made for the Relief of Sheriffs and other Officers concerned in the Execution of Process issued out of any of His Majesty's Courts of Law at Westminster, or the Court of Common Pleas of the County Palatine of Lancaster, or the Court of Pleas of the County Palatine of Durham, against Goods and Chattels, by reason of Claims made to such Goods and Chattels, but such Relief can only be given by Rule of Court: And whereas it is expedient that a single Judge should possess the Power of giving Relief in that respect; be it further enacted, That it shall be lawful for any Judge of the said Courts of Queen's Bench, Common Pleas, or Exchequer, with respect to any such Process issued out of any of those Courts, or for any Judge of the said Court of Common Pleas for the County Palatine of Lancaster, or Court of Pleas of the County Palatine of Durham, (being also a Judge of One of the said Three Superior Courts), with respect to Process issued out of the said Courts of Lancaster and Durham respectively, to exercise such Powers and Authorities for the Relief and Protection of the Sheriff or other Officer as may by virtue of the said last-mentioned Act be exercised by the said several Courts respectively, and to make such Order therein as shall appear to be just; and the Costs of such Proceedings shall be in the Discretion of such Judge.

Any Judge may exercise such Powers for the Relief of Sheriffs, &c. as may by virtue of 1 & 2 W. 4. c. 58. s. 6. be exercised by the several Courts.

3. And whereas by another Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act for amending the*

After 1st Nov. 1838 any Person admitted an Attorney in one of the Courts at Westminster may

practise in any other Court, upon signing the Roll of such Court.

several Acts for the Regulation of Attornies and Solicitors, it is enacted, that any Person who shall have been duly admitted an Attorney in One of Her Majesty's Courts of Law at Westminster shall be at liberty to practise in any other of Her Majesty's Courts of Law at Westminster, although he may not have been duly admitted an Attorney thereof; and that no Person having been duly admitted an Attorney or Solicitor in any of Her Majesty's Courts of Law or Equity at Westminster shall be prevented from recovering or receiving the Amount of any Costs which would otherwise have been due to him by reason of his not being admitted an Attorney or Solicitor of the Court in which such Costs shall have been incurred; provided always, that any Attorney or Solicitor practising in any Court of Law or Equity shall be subject to the Jurisdiction of such Court as fully and completely to all Intents and Purposes whatever as if he had been duly admitted an Attorney or Solicitor of such Court: And whereas it is expedient, in order to secure the Jurisdiction of the said respective Courts over the Attornies practising therein, to have a Record in each Court of the Admission of Attornies; be it further enacted, That after the First Day of November next any Person intituled to be admitted an Attorney of any of the said Courts at Westminster shall, after being sworn in and admitted as an Attorney of any One of the said Courts, be entitled to practise in any other of the said Courts upon signing the Roll of such Court, and not otherwise, in like Manner as if he had been sworn in and admitted an Attorney of such Court; provided that no additional Fee besides those payable under the said last-mentioned Act shall be demanded or paid, and that the Fees payable for such Admission shall be apportioned in such Manner as the Judges of the said Courts, or any Eight of them, shall, by any Rule or Order made in Term or Vacation, direct and appoint.

Judges of Courts at Westminster may issue Commissions for taking Special Bail.

4. And whereas Inconvenience and Delay are sometimes experienced during the Absence of the Judges from Town in Vacation, in putting in and justifying Special Bail; be it further enacted, That the Chief Justice and other the Justices of the Court of Queen's Bench for the Time being, or any Two of them, whereof the Chief Justice for the Time being to be One, for the said Court of Queen's Bench, and the Chief Justice of the Court of Common Pleas and other the Justices there for the Time being, or any Two of them, whereof the Chief Justice of the same Court to be One, for the said Court of Common Pleas, and also the Chief Baron and Barons of the Coif of the Court of the Exchequer for the Time being, or any Two of them, whereof the Chief Baron for the Time being to be One, for the said Court of Exchequer, may, by One or more Commission or Commissions under the several Seals of the said respective Courts, from Time to Time, as Need shall require, empower such Persons not being Attornies or Solicitors, as they shall think fit and necessary,

to take and receive during such Time, in Vacation only, as shall be specified in the Commission or Commissions, all and every such Recognizance or Recognizances of Bail or Bails as any Person or Persons shall be willing or desirous to acknowledge or make before any of the Persons so empowered in any Action or Suit depending or hereafter to be depending in the said respective Courts, or any of them, in such Manner and Form, and by such Recognizance or Bail Piece, as the Justices and Barons of the said respective Courts have used to take the same; which said Recognizance or Recognizances of Bail or Bail Piece so taken as aforesaid shall be afterwards filed in the proper Office or Offices where the same are now filed; which Recognizance of Bail or Bail Piece so taken and filed shall be of the like Effect as if the same were taken before any of the said Justices and Barons; and for the taking every such Recognizance or Recognizances of Bail or Bail Piece the Person or Persons so empowered shall receive only the like Fee as is now payable upon taking and filing the Recognizance or Bail Piece, and no more.

5. And be it further enacted, That the Cognisor or Cognisors of such Bail or Bails may justify him or themselves before any of the said Commissioners during such Time only, being in Vacation, as shall be specified in their respective Commissions; and the said Commissioners are hereby empowered to examine the Sureties on Oath, and allow or reject them as shall seem fit.

Cognisors of Bail
may justify before
such Commissioners.

CAP. CX.

9. And whereas it is expedient that Provision should be made for giving every Person executing a Warrant of Attorney to confess Judgment or a Cognovit Actionem due Information of the Nature and Effect thereof; be it enacted, That from and after the Time appointed for the Commencement of this Act no Warrant of Attorney to confess Judgment in any personal Action, or Cognovit Actionem, given by any Person, shall be of any Force unless there shall be present some Attorney of One of the Superior Courts on behalf of such Person, expressly named by him and attending at his Request, to inform him of the Nature and Effect of such Warrant or Cognovit, before the same is executed; which Attorney shall subscribe his Name as a Witness to the due Execution thereof, and thereby declare himself to be Attorney for the Person executing the same, and state that he subscribes as such Attorney.

Warrants of Attor-
ney and Cognovit
Actionem to be
executed in the
Presence of an
Attorney on behalf
of the Person.

Warrant, &c. not
formally executed
invalid.

10. And be it enacted, That a Warrant of Attorney to confess Judgment or Cognovit Actionem not executed in Manner aforesaid shall not be rendered valid by Proof that the Person executing the same did in fact understand the Nature and Effect thereof, or was fully informed of the same.

Judgment to operate
as a Charge on
Real Estate.

13. And be it enacted, That a Judgment already entered up or to be hereafter entered up against any Person in any of Her Majesty's Superior Courts at Westminster shall operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments (including Lands and Hereditaments of Copyhold or Customary Tenure) of or to which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or Interest whatever, at Law or in Equity, whether in Possession, Reversion, Remainder, or Expectancy, or over which such Person shall at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, and shall be binding as against the Person against whom Judgment shall be so entered up, and against all Persons claiming under him after such Judgment, and shall also be binding as against the Issue of his Body and all other Persons whom he might without the Assent of any other Person cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Titles, Rents, and Hereditaments; and that every Judgment Creditor shall have such and the same Remedies in a Court of Equity against the Hereditaments so charged by virtue of this Act, or any Part thereof, as he would be entitled to in case the Person against whom such Judgment shall have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same with the Amount of such Judgment Debt and Interest thereon: Provided that no Judgment Creditor shall be entitled to proceed in Equity to obtain the Benefit of such Charge until after the Expiration of One Year from the Time of entering up such Judgment, or in Cases of Judgments already entered up, or to be entered up before the Time appointed for the Commencement of this Act, until after the Expiration of One Year from the Time appointed for the Commencement of this Act, nor shall such Charge operate to give the Judgment Creditor any Preference in case of the Bankruptcy of the Person against whom Judgment shall have been entered up unless such Judgment shall have been entered up One Year at least before the Bankruptcy: Provided also, That as regards Purchasers, Mortgagees, or Creditors, who shall have become such before the Time appointed for the Commencement of this Act, such Judgment shall not affect Lands, Tenements, or Hereditaments, otherwise than as the same would

Charge not to be
enforced until after
the Expiration of a
Year.

Proviso as to
Purchasers, &c.

have been affected by such Judgment if this Act had not passed: Provided also, that nothing herein contained shall be deemed or taken to alter or affect any Doctrine of Courts of Equity whereby Protection is given to Purchasers for valuable Consideration without Notice.

14. And be it enacted, That if any Person against whom any Judgment shall have been entered up in any of Her Majesty's Superior Courts at Westminster shall have any Government Stock, Funds, or Annuities, or any Stock or Shares of or in any Public Company in England (whether incorporated or not), standing in his Name in his own Right, or in the Name of any Person in Trust for him, it shall be lawful for a Judge of one of the Superior Courts, on the Application of any Judgment Creditor, to order that such Stock, Funds, Annuities, or Shares, or such of them or such Part thereof respectively as he shall think fit, shall stand charged with the Payment of the Amount for which Judgment shall have been so recovered, and Interest thereon, and such Order shall entitle the Judgment Creditor to all such Remedies as he would have been entitled to if such Charge had been made in his Favour by the Judgment Debtor; provided that no Proceedings shall be taken to have the Benefit of such Charge until after the Expiration of Six Calendar Months from the Date of such Order.

Stock and Shares in Public Funds and Public Companies belonging to the Debtor, and standing in his own Name, to be charged by Order of a Judge.

15. And in order to prevent any Person against whom Judgment shall have been obtained from transferring, receiving, or disposing of any Stock, Funds, Annuities, or Shares hereby authorized to be charged for the Benefit of the Judgment Creditor under an Order of a Judge, be it further enacted, That every Order of a Judge charging any Government Stock, Funds, or Annuities, or any Stock or Shares in any Public Company, under this Act, shall be made in the first instance ex parte, and without any Notice to the Judgment Debtor, and shall be an Order to show Cause only; and such Order, if any Government Stock, Funds, or Annuities standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in Trust for him, is to be affected by such Order, shall restrain the Governor and Company of the Bank of England from permitting a Transfer of such Stock in the meantime and until such Order shall be made absolute or discharged; and if any Stock or Shares of or in any Public Company, standing in the Name of the Judgment Debtor in his own Right, or in the Name of any Person in Trust for him, is or are to be affected by any such Order, shall in like Manner restrain such Public Company from permitting a Transfer thereof; and that if, after Notice of such Order to the Person or Persons to be restrained thereby, or in case of Corporations to any authorized Agent of such Corporation, and before the same Order shall be discharged or made absolute, such Corporation or Person or Persons shall permit any such Transfer to be made,

Order of Judge to be made in the first instance ex parte, and on Notice to the Bank or Company to operate as a Distringas.

then and in such Case the Corporation or Person or Persons so permitting such Transfer shall be liable to the Judgment Creditor for the Value or Amount of the Property so charged and so transferred, or such Part thereof as may be sufficient to satisfy his Judgment; and that no Disposition of the Judgment Debtor in the meantime shall be valid or effectual as against the Judgment Creditor; and further, that unless the Judgment Debtor shall within a Time to be mentioned in such Order show to a Judge of one of the said Superior Courts sufficient Cause to the contrary, the said Order shall, after Proof of Notice thereof to the Judgment Debtor, his Attorney or Agent, be made absolute: Provided that any such Judge shall, upon the Application of the Judgment Debtor, or any Person interested, have full Power to discharge or vary such Order, and to award such Costs upon such Application as he may think fit.

Securities not realized to be relinquished if the Person taken in Execution.

16. And be it enacted, That if any Judgment Creditor, who under the Powers of this Act shall have obtained any Charge or be entitled to the Benefit of any Security whatsoever, shall afterwards, and before the Property so charged or secured shall have been converted into Money or realized, the Produce thereof applied towards Payment of the Judgment Debt, cause the Person of the Judgment Debtor to be taken or charged in Execution upon such Judgment, then and in such Case such Judgment Creditor shall be deemed and taken to have relinquished all Right and Title to the Benefit of such Charge or Security, and shall forfeit the same accordingly.

Judgment Debts to carry Interest.

17. And be it enacted, That every Judgment Debt shall carry Interest at the Rate of Four Pounds per Centum per Annum from the Time of entering up the Judgment, or from the Time of the Commencement of this Act in Cases of Judgments then entered up and not carrying Interest, until the same shall be satisfied, and such Interest may be levied under a Writ of Execution on such Judgment.

Decrees and Orders of Courts of Equity, &c. to have Effect of Judgments.

18. And be it enacted, That all Decrees and Orders of Courts of Equity, and all Rules of Courts of Common Law, and all Orders of the Lord Chancellor or of the Court of Review in Matters of Bankruptcy, and all Orders of the Lord Chancellor in Matters of Lunacy, whereby any Sum of Money, or any Costs, Charges, or Expences, shall be payable to any Person, shall have the Effect of Judgments in the Superior Courts of Common Law, and the Persons to whom any such Monies, or Costs, Charges, or Expences, shall be payable, shall be deemed Judgment Creditors within the Meaning of this Act; and all Powers hereby given to the Judges of the Superior Courts of Common Law with respect to Matters depending in the same Courts shall and may be exercised by Courts of Equity with respect to Matters therein depending, and by the Lord Chancellor and the Court of Review in Matters of Bankruptcy, and by the Lord

Chancellor in Matters of Lunacy; and all Remedies hereby given to Judgment Creditors are in like Manner given to Persons to whom any Monies, or Costs, Charges, or Expences, are by such Orders or Rules respectively directed to be paid.

19. Provided always, and be it further enacted, That no Judgment of any of the said Superior Courts, nor any Decree or Order in any Court of Equity, nor any Rule of a Court of Common Law, nor any Order in Bankruptcy or Lunacy, shall by virtue of this Act affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until a Memorandum or Minute, containing the Name, and the usual or last-known Place of Abode, and the Title, Trade, or Profession of the Person whose Estate is intended to be affected thereby, and the Court and the Title of the Cause or Matter in which such Judgment, Decree, Order, or Rule shall have been obtained or made, and the Date of such Judgment, Decree, Order, or Rule, and the Account of the Debt, Damages, Costs, or Monies thereby recovered or ordered to be paid, shall be left with the Senior Master of the Court of Common Pleas at Westminster, who shall forthwith enter the same Particulars in a Book in alphabetical Order by the Name of the Person whose Estate is intended to be affected by such Judgment, Decree, Order, or Rule; and such Officer shall be entitled for any such Entry to the Sum of Five Shillings; and all Persons shall be at Liberty to search the same Book on Payment of the Sum of One Shilling.

No Judgment, Decree, &c., to affect Real Estate, otherwise than as before the Act, until registered.

20. And be it enacted, That such new or altered Writs shall be sued out of the Courts of Law, Equity, and Bankruptcy as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit; and that any existing Writ the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

New writs to be framed.

22. And be it enacted, That in all Cases where final Judgment shall be obtained in any Action or Suit in any Inferior Court of Record in which at the Time of passing of this Act a Barrister of not less than Seven Years standing shall act as Judge Assessor or Assistant in the Trial of Causes, and also in all Cases where any Rule or Order shall be made by any such Inferior Court of Record as aforesaid whereby any Sum of Money, or any Costs, Charges,

For Removal of Judgments of Inferior Courts

or Expences, shall be payable to any Person, it shall be lawful for the Judges of any of Her Majesty's Superior Courts of Record at Westminster, or if such Inferior Court be within the County Palatine of Lancaster for the Judges of the Court of Common Pleas at Lancaster, or for any Judge of any of the said Courts at Chambers, either in Term or Vacation, upon the Application of any Person who at the Time of the Commencement of this Act shall have recovered or who shall at any Time thereafter recover such Judgment, or to whom any Money, or Costs, Charges, or Expences, shall be payable by such Rule or Order as aforesaid, or upon the Application of any Person on his Behalf, and upon the Production of the Record of such Judgment, or upon the Production of such Rule or Order, such Record, or Rule or Order, as the Case may be, being respectively under the Seal of the Inferior Court and Signature of the proper Officer thereof, to order and direct the Judgment, or, as the Case may be, the Rule or Order, of such Inferior Court to be removed into the said Superior Court or into the Court of Common Pleas at Lancaster, as the Case may be, and immediately thereupon such Judgment, Rule, or Order shall be of the same Force, Charge, and Effect as a Judgment recovered in or a Rule or Order made by such Superior Court, and all Proceedings shall and may be immediately had and taken thereupon or by reason or in consequence thereof as if such Judgment so recovered, or Rule or Order so made, had been originally recovered in or made by the said Superior Court, or into the Court of Common Pleas at Lancaster, as the Case may be; and all the reasonable Costs and Charges attendant upon such Application and Removal shall be recovered in like Manner as if the same were Part of such Judgment or Rule or Order: Provided always, that no such Judgment or Rule or Order when so removed as aforesaid shall affect any Lands, Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, any further than the same would have done if the same had remained a Judgment, Rule, or Order of such Inferior Court, unless and until a Writ of Execution thereon shall be actually put into the Hands of the Sheriff or other Officer appointed to execute the same.

CAP. LX.

An Act to explain and extend the Provisions of an Act passed in the First Year of His late Majesty King William the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate.*

[17th August 1839.]

WHEREAS an Act passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate*, it was (amongst other things) enacted, that where any Suit had been or should be instituted in any Court of Equity for the Payment of any Debts of any Person or Persons deceased to which their Heir or Heirs, Devisee or Devisees might be subject or liable, and such Court of Equity should decree the Estates liable to such Debts or any of them to be sold for Satisfaction of such Debt or Debts, and by reason of the Infancy of any such Heir or Heirs, Devisee or Devisees, an immediate Conveyance thereof could not, as the Law then stood, be compelled, in every such Case such Court should direct, and if necessary compel, such Infant or Infants to convey such Estates so to be sold (by all proper Assurances in the Law) to the Purchaser or Purchasers thereof, and in such Manner as the said Court should think proper and direct, and every such Infant should make such Conveyance accordingly, and every such Conveyance should be as valid and effectual to all Intents and Purposes as if such Person or Persons being an Infant or Infants was or were at the Time of executing the same of the full Age of Twenty-one Years; and it was also thereby further enacted, that where any Lands, Tenements, or Hereditaments had been or should be devised in Settlement by any Person or Persons whose Estate under the said Act now in recital or by law, or by his or their Will or Wills, should be liable to the Payment of any of his or their Debts, and by such Devise should be vested in any Person or Persons for Life or other limited Interest, with any Remainder, Limitation, or Gift over which might not be vested, or might be vested in some Person or Persons from whom a Conveyance or other Assurance of the same could not be obtained, or by way of executory Devise, and a Decree should be made for the Sale thereof for the Payment of such Debts or any of them, it should be lawful for the Court by whom such Decree should be made to direct any such Tenant for Life or other Person having a limited Interest, or the first executory Devisee thereof, to convey, release, assign, surrender, or otherwise assure the Fee Simple or other the whole Interest or Interests so to be

11 G. 4. & 1 W. 4.
c. 47.

sold to the Purchaser or Purchasers, or in such Manner as the said Court should think proper; and every such Conveyance, Release, Surrender, Assignment, or other Assurance should be as effectual as if the Person who should make and execute the same were seised or Possessed of the Fee Simple or other whole Estate so to be sold: And whereas Doubts are entertained whether the herein-before recited Provisions of the said Act extend to authorize Courts of Equity to direct Mortgages as well as Sales to be made of the Estates of such Infant Heirs or Devisees, or of Lands, Tenements, or Hereditaments so devised in Settlement as aforesaid, and also to authorize such Sales and Mortgages to be made in Cases where such Tenant for Life or other Person having a limited Interest, or such first executory Devisee as aforesaid, is an Infant; and it is expedient that the said Provisions of the said Act should be so extended, and that further Provision should be made in relation thereto in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the same herein-before recited Provisions of the said Act shall extend and the same are hereby extended to authorize Courts of Equity to direct Mortgages as well as Sales to be made of the Estates of such Infant Heirs or Devisees, and also of Lands, Tenements, or Hereditaments so devised in Settlement as aforesaid, and to authorize such Sales and Mortgages to be made in Cases where such Tenant for Life or other Person having a limited Interest, or such first executory Devisee as aforesaid, is an Infant.

Recited Provisions of 11 G. 4. & 1 W. 4. c. 47. extended to authorize Mortgages as well as Sales of Estates.

Surplus of Money arising from such Sale or Mortgage to descend in the same manner as the Estates so sold or mortgaged would have done.

2. And be it further enacted, That when any Sale or Mortgage shall be made in pursuance of the said recited Act or this Act, the Surplus (if any) of the Money raised by such Sale or Mortgage, which shall remain after answering the Purposes for which the same shall have been raised, and defraying all reasonable Costs and Expences, shall be considered in all respects of the same Nature, and descend or devolve in the same Manner, as the Estate, or the Lands, Tenements, or Hereditaments so sold or mortgaged, and shall belong to the same Persons, be subject to the same Limitations and Provisions, and be applicable to the same Purposes as such Estate or such Lands, Tenements, or Hereditaments would have belonged and been subject and applicable to in case no such Sale or Mortgage had been made.

CAP. XXI.

An Act for rendering a Release as effectual for the Conveyance of Freehold Estates as a Lease and Release by the same Parties.

[18th May 1841.]

WHEREAS it is expedient to lessen the Expence of conveying Freehold Estates: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Deed or Instrument of Release of a Freehold Estate, or Deed or Instrument purporting or intended to be a Deed or Instrument of Release of a Freehold Estate, which shall be executed on or after the Fifteenth Day of May One thousand eight hundred and forty-one, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the Purposes therein expressed, and shall take effect as a Conveyance to Uses or otherwise, and shall operate in all respects both at Law and Equity as if the releasing Party or Parties who shall have executed the same had also executed in due Form a Deed or Instrument of Bargain and Sale or Lease for a Year for giving Effect to such Release, although no such Deed or Instrument of Bargain and Sale or Lease for a Year shall be executed; provided that every such Deed or Instrument so taking effect under this Act shall be chargeable with the same Amount of Stamp Duty as any Bargain and Sale or Lease for a Year would have been chargeable with (except progressive Duty) if executed to give effect to such Deed or Instrument, in addition to the Stamp Duties which such Deed or Instrument shall be chargeable with as a Release or otherwise under any Act or Acts relating to Stamp Duties.

A Release to be effectual although no Lease for a Year shall be executed.

Release chargeable with the Stamp Duty to which the Lease for a Year would have been liable.

2. And whereas many Deeds or Instruments of Bargain and Sale or Leases for a Year, to give effect to Deeds or Instruments of Release of Freehold Estates heretofore executed, have been lost or mislaid; be it enacted, That where, in or by any Deed or Instrument of Release of Freehold Estates executed before the Fifteenth Day of May One thousand eight hundred and forty-one, any Deed or Instrument of Bargain and Sale or Lease for a Year for giving effect to such Deed or Instrument of Release shall be recited, or by any Mention thereof in such Deed or Instrument of Release appear to have been made or executed, such Recital or Mention thereof shall be deemed and taken to be conclusive Evidence of the Deed or Instrument of Bargain and Sale or Lease for a Year so recited or

The Recital or Mention of a Lease for a Year in a Release executed before the passing of this Act to be Evidence of the Execution of such Lease for a Year.

mentioned having been made and executed; and such Deed or Instrument of Release shall also have the like effect as if the same had been executed after the Fifteenth Day of May One thousand eight hundred and forty-one, whether such Deed or Instrument of Bargain and Sale or Lease for a Year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any Proceedings at Law or in Equity pending at the Time of the passing of this Act, in which the Validity of any Bargain and Sale or Lease for a Year shall be in question between the Party claiming under such Bargain and Sale or Lease for a Year and the Party claiming adversely thereto; and such Bargain and Sale or Lease for a Year, if the Result of such Proceedings shall invalidate the same, shall not be rendered valid by this Act.

Construction of the
Word "Freehold."

3. And be it enacted, That in the Construction of this Act the Word "Freehold" shall have not only its usual Signification, but shall extend to all Lands and Hereditaments for the Conveyance of which, if this Act had not been passed, a Bargain and Sale or Lease for a Year, as well as a Release, would have been used.

Act may be
amended, &c.

4. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

CAP. LXVI.

An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment.

[22nd August 1843.]

3 G. 4. c. 39.

WHEREAS an Act was passed in the Session of the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, by which, among other things, it was enacted, that the Clerk of the Dockets and Judgments in His said late Majesty's Court of King's Bench should cause every Warrant of Attorney and Cognovit Actionem in any personal Action, and every Copy thereof, which in and by the said recited Act are directed to be filed in his said Office, to be numbered, and should keep a Book or Books in his said Office in which he should cause to be fairly entered the Particulars in the said Act set forth,

according to the Form contained in the Schedule to the said Act annexed, which said Book or Books, and every Warrant of Attorney and Cognovit Actionem, or Copy thereof, filed in the said Office, should be searched and viewed by all Persons at all seasonable Times, paying to the Officer for every Search against One Person the Sum of Sixpence and no more: And whereas it is expedient that greater facilities should be given to Persons in searching such Book or Books and obtaining the Information contained therein, and that the Provisions of the said Act should be enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said Officer of the said Court of Queen's Bench shall, in addition to the Book in and by the above-recited Act directed to be kept by him, keep another Book or Index, in which he shall cause to be fairly inserted, as and when such Warrants of Attorney or Cognovits Actionem are filed in manner as directed by the said Act, the Names, Additions, and Descriptions of the respective Defendants or Persons giving such Warrants of Attorney or Cognovits Actionem, but containing no farther Particulars thereof; which Book or Index all Persons shall be permitted to search for themselves, paying to the Officer for such Search the Sum of One Shilling, such Payment being in addition to the Payment of Sixpence provided by the said Act to be paid for every Search against One Person in the Book or Books provided to be kept under the Authority of the said Act.

In addition to the Book directed to be kept by the recited Act, another Book or Index shall be kept of Names, &c. of Persons by whom Warrants of Attorney are given; which shall be open to Inspection.

CAP. XCVI.

67. And be it enacted, That no Landlord of any Tenement let at a Weekly Rent shall have any Claim or Lien upon any Goods taken in Execution under the Process of any Court of Law for more than Four Weeks Arrears of Rent; and if such Tenement shall be let for any other Term less than a Year the Landlord shall not have any Claim or Lien on such Goods for more than the Arrears of Rent accruing during Four such Terms or Times of Payment.

Landlord's Lien for Rent restrained.

CAP. CVI.

An Act to amend the Law of Real Property.

[4th August 1845.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Repeal of so much of 7 & 8 Vict. c. 76. as abolishes contingent Remainders as from the Commencement;

1. That so much of an Act passed in the last Session of Parliament, intituled *An Act to simplify the Transfer of Property*, as enacted that, after the Time at which that Act should come into Operation, no Estate in Land should be created by way of Contingent Remainder, but that every Estate which, before that Time, would have taken effect as a contingent Remainder should take effect (if in a Will or Codicil) as an executory Devise, and (if in a Deed) as an executory Estate of the same Nature, and having the same Properties, as an executory Devise; and that contingent Remainders existing under Deeds, Wills, or Instruments, executed or made before the Time when that Act should come into Operation, should not fail, or be destroyed or barred, merely by reason of the Destruction or Merger of any preceding Estate, or its Determination by any other Means than the natural Effluxion of the Time of such preceding Estate, or some Event on which it was in its Creation limited to determine, shall be and is hereby repealed, as from the Time of the Commencement and taking effect thereof; and that the Residue of the said Act shall be and is hereby repealed, as from the First Day of October One thousand eight hundred and forty-five.

Residue from
1st Oct. 1845.

Freehold of corporeal Tenements to lie in Grant, &c.

2. That, after the said First Day of October One thousand eight hundred and forty-five, all corporeal Tenements and Hereditaments shall, as regards the Conveyance of the immediate Freehold thereof, be deemed to lie in Grant as well as in Livery; and that every Deed which, by force only of this Enactment, shall be effectual as a Grant, shall be chargeable with the Stamp Duty with which the same Deed would have been chargeable in case the same had been a Release, founded on a Lease or Bargain and Sale for a Year, and also with the same Stamp Duty (exclusive of Progressive Duty) with which such Lease or Bargain and Sale for a Year would have been chargeable.

Stamp Duty on Grants thereof.

Froffments, Partitions, Exchanges, Leases, Assignments, and Surrenders required (subject to certain Exceptions) to be by Deed.

3. That a Feoffment, made after the said First Day of October One thousand eight hundred and forty-five, other than a Feoffment made under a Custom by an Infant, shall be void at Law, unless evidenced

by Deed; and that a Partition, and an Exchange, of any Tenements or Hereditaments, not being Copyhold, and a Lease, required by Law to be in Writing, of any Tenements or Hereditaments, and an Assignment of a Chattel Interest, not being Copyhold, in any Tenements or Hereditaments, and a Surrender in Writing of an Interest in any Tenements or Hereditaments, not being a Copyhold Interest, and not being an Interest which might by Law have been created without Writing, made after the said First Day of October One thousand eight hundred and forty-five, shall also be void at Law, unless made by Deed; Provided always, that the said Enactment so far as the same relates to a Release or a Surrender shall not extend to Ireland.

4. That a Feoffment, made after the said First Day of October One thousand eight hundred and forty-five, shall not have any tortious Operation; and that an Exchange, or a Partition, of any Tenements or Hereditaments, made by Deed, executed after the said First Day of October One thousand eight hundred and forty-five, shall not imply any Condition in Law, and that the Word "give" or the Word "grant" in a Deed, executed after the same Day, shall not imply any Covenant in Law, in respect of any Tenements or Hereditaments, except so far as the Word "give" or the Word "grant" may, by force of any Act of Parliament, imply a Covenant.

Feoffments not to operate by Wrong, nor Exchanges, &c. to imply any Condition, or "give" and "grant" any Covenant.

5. That, under an Indenture, executed after the First Day of October One thousand eight hundred and forty-five, an immediate Estate or Interest, in any Tenements or Hereditaments, and the Benefit of a Condition or Covenant, respecting any Tenements or Hereditaments, may be taken, although the Taker thereof be not named a Party to the same Indenture; also, that a Deed, executed after the said First Day of October One thousand eight hundred and forty-five, purporting to be an Indenture, shall have the Effect of an Indenture although not actually indented.

Strangers may take immediately under an Indenture. &c.

6. That, after the First Day of October One thousand eight hundred and forty-five, a contingent, an executory, and a future Interest, and a Possibility coupled with an Interest, in any Tenements or Hereditaments of any Tenure, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent, into or upon any Tenements or Hereditaments in England, of any Tenure, may be disposed of by Deed, but that no such Disposition shall, by force only of this Act, defeat or enlarge an Estate Tail; and that every such Disposition by a married Woman shall be made conformably to the Provisions, relative to Dispositions by married Women, of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for the Abolition of Fines*

Contingent and other like Interests, also Rights of Entry, made alienable by Deed, saving Estates in Tail; and as regards married Women enjoining Conformity to 3 & 4 W. 4. c. 74.

4 & 5. W. 4. c. 92.

and Recoveries, and for the Substitution of more simple Modes of Assurance or in Ireland of an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance, in Ireland.

Capacity of married
Women to disclaim
Estates by Deed
extended to England.

7. That, after the First Day of October One thousand eight hundred and forty-five, an Estate or Interest in any Tenements or Hereditaments in England, of any Tenure, may be disclaimed by a married Woman by Deed; and that every such Disclaimer shall be made conformably to the said Provisions of the said Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance.

Contingent
Remainders pro-
tected as from
31st Dec. 1844, &c.

8. That a contingent Remainder, existing at any Time, after the Thirty-first Day of December One thousand eight hundred and forty-four, shall be, and, if created before the passing of this Act, shall be deemed to have been, capable of taking effect, notwithstanding the Determination, by Forfeiture, Surrender, or Merger, of any preceding Estate of Freehold, in the same Manner, in all respects, as if such Determination had not happened.

When the Reversion
on a Lease is gone
the next Estate to
be deemed the
Reversion.

9. That when the Reversion expectant on a Lease, made either before or after the passing of this Act, of any Tenements or Hereditaments, of any Tenure, shall, after the said First Day of October One thousand eight hundred and forty-five, be surrendered or merge, the Estate which shall for the Time being confer as against the Tenant under the same Lease the next vested Right to the same Tenements or Hereditaments, shall, to the Extent and for the Purpose of preserving such Incidents to, and Obligations on, the same Reversion, as, but for the Surrender or Merger thereof, would have subsisted, be deemed the Reversion expectant on the same Lease.

Extent of Act.

10. That this Act shall not extend to Scotland.

CAP. CIX.

Wagers not recover-
able at Law.

18. And be it enacted, That all Contracts or Agreements, whether by Parole or in Writing, by way of gaming or wagering, shall be null and void; and that no Suit shall be brought or maintained in any Court of Law or Equity for recovering any Sum of Money or valuable Thing alleged to be won upon any Wager, or which shall have been deposited in the Hands of any Person to abide the Event on which any Wager shall have been made: Provided always, that

this Enactment shall not be deemed to apply to any Subscription or Contribution, or Agreement to subscribe or contribute, for or toward any Plate, Prize, or Sum of Money to be awarded to the Winner or Winners of any lawful Game, Sport, Pastime, or Exercise.

CAP. CXII.

[8th August 1845.]

2. And be it enacted, That every Term of Years now subsisting or hereafter to be created, becoming satisfied after the said Thirty-first Day of December One thousand eight hundred and forty-five, and which, either by express Declaration or by Construction of Law, shall after that Day become attendant upon the Inheritance or Reversion of any Lands, shall immediately upon the same becoming so attendant absolutely cease and determine as to the Land upon the Inheritance or Reversion whereof such Term shall become attendant as aforesaid.

Satisfied Terms
now subsisting, &c.
to cease on becoming
attendant upon
Inheritance, &c.
of Lands.

CAP. LXXXVII.

An Act to extend the Provisions of An Act passed in the First Year of His late Majesty King William the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate*.

[31st August 1848.]

WHEREAS by an Act passed in the First Year of the Reign of His late Majesty King William the Fourth, intituled *An Act for consolidating and amending the Laws for facilitating the Payment of Debts out of Real Estate*, it was (amongst other things) enacted, that where any Lands, Tenements, or Hereditaments, had been or should be devised in Settlement by any Person or Persons

11 G. 4. & 1 W. 4.
c. 47.

whose Estate under the said Act now in recital, or by law, or by his or their Will or Wills, should be liable to the Payment of any of his or their Debts, and by such Devise should be vested in any Person or Persons for Life or other limited Interest, with any Remainder, Limitation, or Gift over which might not be vested, or might be vested in some Person or Persons from whom a Conveyance or other Assurance of the same could not be obtained, or by way of Executory Devise, and a Decree should be made for the Sale thereof for the Payment of such Debts or any of them, it should be lawful for the Court by whom such Decree should be made to direct any such Tenant for Life or other Person having a limited Interest, or the First Executory Devise thereof, to convey, release, assign, surrender, or otherwise assure the Fee Simple or other the whole Interest or Interests so to be sold to the Purchaser or Purchasers, or in such Manner as the said Court should think proper; and every such Conveyance, Release, Surrender, Assignment, or other Assurance should be as effectual as if the Person who should make and execute the same were seised or possessed of the Fee Simple or other whole Estate so to be sold: And whereas the herein-before recited Provision of the said Act does not extend to the Case of Lands, Tenements, or Hereditaments of a deceased Debtor which are by Descent or otherwise than by Devise vested in the Heir or Co-heirs of such Debtor, subject to an Executory Devise over in favour of a Person or Persons not existing or not ascertained, and it is expedient that the said Provision of the said Act should be extended to such Case: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in Cases in other respects falling within the said herein-before recited Provision of the said Act, That the said herein-before recited Provision of the said Act shall extend and is hereby extended to any Case in which any Lands, Tenements, or Hereditaments of any deceased Person shall by Descent or otherwise than by Devise be vested in the Heir or Co-heirs of such Person, subject to an Executory Devise over in favour of a Person or Persons not existing or not ascertained; and in any such Case it shall be lawful for the Court mentioned in the said recited Provision to direct such Heir or such Co-heirs, notwithstanding such Heir or such Co-heirs, or any of them, may be an Infant or Infants, to convey, release, assign, surrender, or otherwise assure the Fee Simple or other the whole Interest or Interests so to be sold to the Purchaser or Purchasers, or in such Manner as the said Court shall think proper; and every such Conveyance, Release, Surrender, Assignment, or other Assurance shall be as effectual as if the Heir or Co-heirs who shall make and execute the same was or were seised or possessed of the Fee Simple or other the whole Estate so to be sold, and, if an Infant or Infants, was or were of full Age.

Recited Provision
to extend to Lands,
&c. of a deceased
Debtor, in certain
Cases.

2. And be it enacted, That this Act may be amended or repealed Act may be amended, &c.
by any Act to be passed during this present Session of Parliament.

VICTORIA, by the Grace of God, of the United Kingdom
of Great Britain and Ireland, Queen, Defender of
the Faith.

To all to whom these presents shall come—Greeting.

WHEREAS by the Royal Charter or letters patent of His late Majesty King Charles the Second, bearing date the second day of May, in the twenty-second year of His reign, His said late Majesty did, (amongst other things) ordain and declare that the Governor and Company of Adventurers of England trading into Hudson's Bay, thereby incorporated in their successors by that name, should at all times thereafter be personable and capable in law to have, purchase, receive, possess, and enjoy and retain lands, rents, privileges, liberties, jurisdictions, franchises, and hereditaments of what nature or kind soever they were to them or their successors; and also to give, grant, demise, alien, assign, and dispose lands, tenements, and hereditaments, and to do and execute all and singular other things by the same name that to them should or might appertain to do. And His said late Majesty did thereby, for Himself, His heirs and successors, give, grant, and confirm unto the said Governor and Company, and their successors, the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they should be, that lay within the entrance of the straits commonly called Hudson's Straits; together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid that were not already actually possessed by or granted to any of His said late Majesty's subjects, or possessed by the subjects of any other Christian Prince or State, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes, in the seas, bays, inlets, and rivers within the premises, and the fish therein taken, together with the royalty of the seas upon the coasts within the limits aforesaid, and all mines royal, as well then discovered as not then discovered, of gold, silver, coins, and precious stones to be found or discovered within the territories, limits, and places aforesaid, and that the said land should be from thenceforth reckoned and reputed as one of His late Majesty's plantations or colonies in America. And further, His said late Majesty did thereby, for himself, his heirs, and successors, make, create, and constitute the said Governor and Company for the time

being, and their successors, the true and absolute lords and proprietors of the same territory, limits, and places aforesaid, and of all other the premises (saving always the faith, allegiance, and sovereign dominion due to His said late Majesty, His heirs and successors) for the same to hold, possess, and enjoy the said territory, limits, and places, and all and singular other the premises thereby granted as aforesaid, with their and every of their rights, members, jurisdictions, prerogatives, royalties, and appurtenances whatsoever to them, the said Governor and Company, and their successors, for ever, to be holden of His said late Majesty, His heirs and successors, as of His manor of East Greenwich, in the county of Kent, in free and common socage, and not in capite or by knight's service, yielding and paying yearly to His said late Majesty, His heirs and successors, for the same, two elks and two black beavers, whensoever and as often as His said late Majesty, His heirs and successors, should happen to enter into the said countries, territories and regions thereby granted:

And whereas by an Act passed in the session of Parliament held in the forty-third year of the reign of His late Majesty King George the Third, intituled "An Act for extending the jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the trial and punishment of persons guilty of crimes and offences within certain parts of North America adjoining to the said Provinces," it was enacted that from and after the passing of that Act all offences committed within any of the Indian territories or parts of America not within the limits of either of the said Provinces of Lower or Upper Canada, or of any Civil Government of the United States of America, should be and be deemed to be offences of the same nature and should be tried in the same manner and subject to the same punishment as if the same had been committed within the Provinces of Upper or Lower Canada, and provisions were contained in the said Act regulating the committal and trial of the offenders:

And whereas by an Act passed in the session of Parliament holden in the first and second years of the reign of His late Majesty King George the Fourth, intituled "An Act for regulating the fur trade and establishing a criminal and civil jurisdiction within certain parts of North America," after reciting (among other things) that doubts had been entertained whether provisions of said Act of the forty-third George the Third extended to the territories granted by charter to the said Governor and Company, and that it was expedient that such doubts should be removed, and that the said Act should be further extended; it was enacted (amongst other things) that from and after the passing of the said last-mentioned Act, it should be lawful for His then Majesty, His heirs and successors, to make grants or give His royal license, under the hand and seal of one of His Majesty's Principal Secretaries of State, to any body corporate or Company, or person or persons, of or for the exclusive privilege of trading with

the Indians in all such parts of North America as should be specified in any such grants or licenses respectively, not being part of the lands or territories theretofore granted to the said Governor and Company of Adventurers of England trading into Hudson's Bay, and not being part of any of His Majesty's Provinces in North America, or of any lands or territories belonging to the United States of America, subject to the provisions and restrictions in the said Act mentioned; and it was thereby further enacted that the said Act of the forty-third of George the Third, and all the clauses and provisoes therein contained, should be deemed and construed and was and were thereby respectively declared to extend to and over and to be in full force in and through all the territories theretofore granted to the said Company of Adventurers trading to Hudson's Bay:

And whereas by Our grant or royal license, bearing date the thirteenth day of May, one thousand eight hundred and thirty-eight, under the hand and seal of one of Our then Principal Secretaries of State, We granted and gave Our license to the said Governor and Company, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and westward of the lands and territories belonging to the United States of America as should not form part of any of Our Provinces in North America, or of any lands or territories belonging to the United States of America, or to any European Government, State, or Power, subject nevertheless as therein mentioned. And We did thereby give and grant and secure to the said Governor and Company, and their successors, the sole and exclusive privilege, for the full period of twenty-one years from the date thereof, of trading with the Indians in all such parts of North America as aforesaid, except as therein mentioned, at the rent therein reserved, and upon the terms and subject to the qualification and power of revocation therein contained:

And whereas by a treaty between Ourselves and the United States of America, for the settlement of the Oregon Boundary, signed at Washington, on the fifteenth day of June, one thousand eight hundred and forty-six, it was agreed upon and concluded (amongst other things) as follows:—That from the point of the forty-ninth parallel of north latitude where the boundary laid down in existing treaties and conventions between Great Britain and the said United States terminated, the line of boundary between Our territories and those of the United States should be continued westward along the said parallel of north latitude to the middle of the channel which separates the continent from Vancouver Island, and thence southerly through the middle of the said channel and of De Fuca's Straits to the Pacific Ocean: Provided, however, that the navigation of the whole of the said channel and straits south of the forty-ninth parallel of north latitude should remain free and open to both parties:

And whereas certain of Our lands and territories in North America lie to the westward and also to the northward of the territory granted to the said Governor and Company by the herein-before recited grant or letters patent of His said late Majesty King Charles the Second, and which is, pursuant to the direction in that behalf contained in such grant or letters patent, called or known as Rupert's Land, and to the eastward of the territories the boundary line of which is defined by the herein-before recited treaty with the United States of North America:

And whereas under the said last-mentioned grant or letters patent, and also under Our herein-before recited grant or license of the thirteenth day of May, one thousand eight hundred and thirty-eight, the said Governor and Company have traded as well within as beyond the limits of the lands and territories granted to them by the said grant or letters patent of His said late Majesty King Charles the Second, and have in connection with and for the protection of their trade beyond the said limits been in the habit of erecting forts and other isolated establishments without the said limits, and some of such forts and establishments of the said Governor and Company are now existing in that part of Our said territories in North America, including Vancouver Island, the boundary line between which and the territories of the said United States is determined by the herein-before recited treaty between Ourselves and the said United States:

And whereas it would induce greatly to the maintenance of peace, justice, and good order, and to the advancement of colonization and to the promotion and encouragement of trade and commerce in and also to the protection and welfare of the native Indians residing within that portion of Our territories in North America called Vancouver Island, if such Island were colonized by settlers from the British dominions, and if the property in the land of such island were vested for the purpose of such colonization in the said Governor and Company of Adventurers in England trading into Hudson's Bay, but nevertheless upon the condition that the said Governor and Company should form on the said island a settlement or settlements as herein-after mentioned, for the purpose of colonizing the said island, and also should defray the entire expense of any civil and military establishments which may be required for the protection and government of such settlement or settlements (except nevertheless during the time of hostilities between Great Britain and any foreign, European, or American power):

And now knew ye, that We being moved by the reasons before mentioned, do by these presents, for Us, Our heirs and successors, give, grant, and confirm unto the said Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, all that the said Island called Vancouver Island, together with all royalties of the seas upon these coasts within the limits

aforesaid, and all mines royal thereto belonging. And further, We do by these presents, for Us, Our heirs and successors, make, create, and constitute the said Governor and Company for the time being, and their successors, the true and absolute lords and proprietors of the said territories, limits, and places, and of all other the premises (saving always the faith, allegiance, and sovereign dominion due to Us, Our heirs and successors for the same), to have, hold, possess, and enjoy the said territories, limits, and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, royalties, and appurtenances whatsoever to them the said Governor and Company, and their successors for ever, to be holden of Us, Our heirs and successors, in free and common socage, at the yearly rent of seven shillings, payable to Us and Our successors for ever, on the first day of January in every year: Provided always, and We declare that this present grant is made to the intent that the said Governor and Company shall establish upon the said island a settlement or settlements of resident colonists, emigrants from Our United Kingdom of Great Britain and Ireland, or from other Our dominions, and shall dispose of the land there as may be necessary for the purposes of colonization; and to the intent that the said Company shall, with a view to the aforesaid purposes, dispose of all lands hereby granted to them at a reasonable price, except so much thereof as may be required for public purposes, and that all moneys which shall be received by the said Company for the purchase of such land, and also from all payments which may be made to them for or in respect of the coal or other minerals to be obtained in the said island, or the right of searching for and getting the same, shall, after deduction of such sums by way of profit as shall not exceed a deduction of ten per cent. from the gross amount received by the said Company from the sale of such lands and in respect of such coal or other minerals as aforesaid, be applied toward the colonization and improvement of the island; and that the Company shall reserve for the Use of Us, Our heirs and successors, all such lands as may be required for the formation of naval establishments, We, Our heirs and successors paying a reasonable price for the same; and that the said Company should once in every two years at the least, certify, under the seal of the said Governor and Company, to one of Our Principal Secretaries of State, what colonists shall have been from time to time settled in the said island, and what land shall have been disposed of as aforesaid. And we further declare that this present grant is made upon this condition, that if the said Governor and Company shall not, within the term of five years from the date of these presents, have established upon the said island a settlement of resident colonists, emigrants from the United Kingdom of Great Britain and Ireland, or from other Our dominions, and it shall at any time after the expiration of such term of five years, be certified to Us, Our heirs and successors, by any

person who shall be appointed by Us, Our heirs or successors to enquire into the condition of such Island, that such settlement has not been established according to the intent of this Our grant, or that the provisions hereinbefore mentioned respecting the disposal of land and the price of lands and minerals have not been respectively fulfilled, it shall be lawful for Us, Our heirs and successors, to revoke this present grant and to enter upon and resume the said Island, and premises hereby granted, without prejudice nevertheless to such dispositions as may have been made in the meantime by the said Governor and Company of any land in the said Island for the actual purpose of colonization and settlement, and as shall have been certified as aforesaid to one of Our Principal Secretaries of State. And We hereby declare that this present grant is and shall be deemed and taken to be made upon this further condition, that We, our heirs and successors shall have, and We accordingly reserve and to Us and them full power, at the expiration of the said Governor and Company's grant or license of or for the exclusive privilege of trading with the Indians, to repurchase and take of and from the said Governor and Company the said Vancouver Island and premises hereby granted, in consideration of payment being made by Us, Our heirs and successors, to the said Governor and Company of the sum or sums of money theretofore laid out and expended by them in and upon the said Island and premises, and of the value of their establishments, property, and effects then being thereon.

IN WITNESS whereof we have caused these Our letters to be made patent: Witness Ourselves at Our Palace at Westminster, this thirteenth day of January, in the twelfth year of Our reign.

By Writ of Privy Seal.

(Signed) EDMUNDS.

CAP. XXVI.

An Act for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases.

[26th June 1849.]

WHEREAS, through Mistake or Inadvertence on the Part of Persons granting Leases, and through Ignorance on the Part of Lessees of the Titles of Persons from whom Leases are accepted, Leases granted by Persons having valid Powers of Leasing are frequently invalid as against the Successors in Estate of such Persons by reason of the Nonobservance or Omission of some Condition or Restriction, or by reason of some other Deviation from the Terms of such Powers: And whereas Leases granted in the intended Exercise of such Powers are sometimes invalid as against the Successors in Estate of the Persons granting the same by reason that at the Time of granting the same the Person granting the Lease could not lawfully grant such Lease, although at a subsequent Time, and during the Continuance of his Estate in the Hereditaments comprised in such Lease, he might have granted the same in the lawful Exercise of such Power: And whereas it is expedient that Provisions should be made for granting Relief in the Cases aforesaid, in manner after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in construing this Act Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing Males shall extend to Females, and the Word " Person " shall include Corporations aggregate or sole, unless in any of the Cases aforesaid there be something in the Context repugnant to such Construction.

Interpretation
of Terms.

2. And be it enacted, That where in the intended Exercise of any such Power of Leasing as aforesaid, whether derived under an Act of Parliament or under any Instrument lawfully creating such Power, a Lease has been or shall hereafter be granted, which is, by reason of the Nonobservance or Omission of some Condition or Restriction, or by reason of any other Deviation from the Terms of such Power, invalid as against the Person entitled, after the Determination of the Interest of the Person granting such Lease, to the Reversion, or against other the Person who, subject to any Lease lawfully granted under such Power, would have been entitled to the Hereditaments comprised in such Lease, such Lease, in case the same have been made bona fide, and the Lessee named therein, his Heirs, Executors, Administrators, or Assigns, (as the Case may

Leases invalid
owing to Deviation
from Terms of the
Power to be deemed
Contracts in Equity
for such Leases as
might have been
granted under the
Power.

require,) have entered thereunder, shall be considered in Equity as a Contract for a Grant, at the Request of the Lessee, his Heirs, Executors, Administrators, or Assigns, (as the Case may require,) of a valid Lease under such Power, to the like Purport and Effect as such invalid Lease as aforesaid, save so far as any Variation may be necessary in order to comply with the Terms of such Power; and all Persons who would have been bound by a Lease lawfully granted under such Power shall be bound in Equity by such Contract: Provided always, That no Lessee under any such invalid Lease as aforesaid, his Heirs, Executors, Administrators, or Assigns, shall be entitled by virtue of any such equitable Contract as aforesaid to obtain any Variation of such Lease, where the Persons who would have been bound by such Contract are willing to confirm such Lease without Variation.

Proviso where the Grantor or Reversioner is willing to confirm.

Acceptance of Rent, &c.

3. And be it enacted, That the Acceptance of Rent under any such invalid Lease as aforesaid shall, as against the Person so accepting the same, be deemed a Confirmation of such Lease.

Leases invalid at the granting thereof may become valid if the Grantor continue in the Ownership.

4. And be it enacted, That where a Lease granted in the intended Exercise of any such Power of Leasing as aforesaid, is invalid by reason that, at the Time of the granting thereof, the Person granting the same could not lawfully grant such Lease, but the Estate of such Person in the Hereditaments comprised in such Lease shall have continued after the Time when such or the like Lease might have been granted by him in the lawful Exercise of such Power, then and in every such Case such Lease shall take Effect, and be as valid as if the same had been granted at such last-mentioned Time, and all the Provisions herein contained shall apply to every such Lease.

What shall be deemed an intended Exercise of a Power.

5. And be it enacted, That when a valid Power of Leasing is vested in or may be exercised by a Person granting a Lease, and such Lease (by reason of the Determination of the Estate or Interest of such Person or otherwise) cannot have Effect and Continuance according to the Terms thereof, independently of such Power, such Lease shall, for the Purposes of this Act, be deemed to be granted in the intended Exercise of such Power, although such Power be not referred to in such Lease.

Saving the Rights of the Lessees under Covenants for Title and for quiet Enjoyment, and the Lessor's Right of Re-entry for Breach of Covenant, &c.

6. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to prejudice or take away any Right of Action or other Right or Remedy to which, but for the passing of this Act, the Lessee named in any such Lease as aforesaid, his Heirs, Executors, Administrators, or Assigns, would or might have been entitled, under or by virtue of any Covenant for Title or quiet Enjoyment contained in such Lease on the Part of the Person granting the same, or to prejudice or take away any

Right of Re-entry or other Right or Remedy to which, but for the passing of this Act, the Person granting such Lease, his Heirs, Executors, Administrators, or Assigns, or other the Person for the Time being entitled to the Reversion expectant on the Determination of such Lease, would or might have been entitled, for or by reason of any Breach of the Covenants, Conditions, or Provisoos contained in such Lease, and on the Part of the Lessee, his Heirs, Executors, Administrators, or Assigns, to be observed and performed.

7. And be it enacted, That this Act shall not extend to any Lease by an Ecclesiastical Corporation or Spiritual Person, or to any Lease of the Possessions of any College, Hospital, or Charitable Foundation, or to any Lease where, before the passing of this Act, the Hereditaments comprised in such Lease have been surrendered or relinquished, or recovered adversely by reason of the Invalidity thereof, or there has been any Judgment or Decree in any Action or Suit concerning the Validity of such Lease, and shall not prejudice or affect any Action or Suit already commenced and now pending in any Court of Law or Equity, but every such Action and Suit may be proceeded with, and such Relief had therein, as if this Act had not passed.

Act not to extend to certain Leases.

Pending Suits not to be prejudiced.

CAP. XLVIII.

An Act to provide for the Administration of Justice in Vancouver's Island.

[28th July 1849.]

WHEREAS an Act was passed in the Forty-third Year of King George the Third, intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces*: And whereas by an Act passed in the Second Year of King George the Fourth, intituled *An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction, within certain Parts of North America*, it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power, and Authority, as well in the Cognizance of Suits as in the issuing Process, mesne

43 G. 3. c. 138.

1 & 2 G. 4. c. 66.

and final, and in all other respects whatsoever, within the Indian Territories and other Parts of America not within the Limits of either of the Provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the Limits of the said Provinces of Lower or Upper Canada respectively, and that all and every Contract, Agreement, Debt, Liability, and Demand whatsoever, made, entered into, incurred, or arising within the said Indian Territories and other Parts of America, and all and every Wrong and Injury to the Person or to Property, real or personal, committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates, or Justices of the Peace, and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada, and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other Parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any Indian Territories or other Parts of North America as aforesaid, and the Times and Manner of holding the same, as His Majesty should from Time to Time order and direct, but should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment

or Transportion the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of Upper Canada: And whereas, for the Purpose of the Colonization of that Part of the said Indian Territories called Vancouver's Island, it is expedient that further Provision should be made for the Administration of Justice therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Proclamation of this Act in Vancouver's Island the said Act of the Forty-third Year of King George the Third, and the said recited Provisions of the Second Year of King George the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada, shall cease to have Force in and to be applicable to Vancouver's Island aforesaid; and it shall be lawful for Her Majesty from Time to Time (and as well before as after such Proclamation) to make Provision for the Administration of Justice in the said Island, and for that Purpose to constitute such Court or Courts of Record and other Courts, with such Jurisdiction in Matters Civil and Criminal, and such equitable and ecclesiastical Jurisdiction, subject to such Limitations and Restrictions, and to appoint and remove, or provide for the Appointment and Removal of such Judges, Justices, and such ministerial and other Officers, for the Administration and Execution of Justice in the said Island, as Her Majesty shall think fit and direct.

43 G. 3. c. 138.
and Parts of 1 & 2
G. 4. c. 66. repealed
as to Vancouver's
Island.

2. Provided always, and be it enacted, That when and so soon as a local Legislature has been established in Vancouver's Island it shall be lawful for such Legislature, from Time to Time, by any Law or Ordinance made in the Manner and subject to the Conditions which may be by Law required in respect of Laws or Ordinances made by such local Legislature, to make such Alterations as to such Legislature may seem meet in the Constitution or Jurisdiction of the Courts which may be established in the said Island, and to make all such other Provisions as to such local Legislature may seem meet for and concerning the Administration of Justice in the said Island.

Power to local
Legislature to
make Provision
for Administration
of Justice.

3. Provided always, and be it enacted, That all Judgments given in any Civil Suit in the said Island shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of Canada, and to such further or other Regulations

Appeal to Privy
Council in Civil
Cases.

as Her Majesty with the Advice of Her Privy Council shall from Time to Time appoint.

Adjacent Islands
deemed Part of
Vancouver's Island.

4. And be it enacted, That all such Islands adjacent to Vancouver's Island or to the Western Coast of North America, and forming Part of the Dominions of Her Majesty, as are to the Southward of the Fifty-second Degree of North Latitude, shall be deemed Part of Vancouver's Island for the Purposes of this Act.

Act may be
amended, &c.

5. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

CAP. XCVI.

An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty.

[1st August 1849.]

10 & 11 W. 3. c. 7.

WHEREAS by an Act passed in the Eleventh Year of the Reign of King William the Third, intituled *An Act for the more effectual Suppression of Piracy*, it is enacted, that all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, in any Place at Sea or upon the Land or in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories to be appointed for that Purpose by the King's Commission, in the Manner therein directed, and according to the Civil Law and the Method and Rules of the Admiralty: And whereas by an Act passed in the Forty-sixth Year of the Reign of King George the Third, intituled *An Act for the speedy Trial of Offences committed in distant Parts upon the Sea*, it is enacted, That all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be inquired of, tried, heard, determined, and adjudged, according to the common Course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Fac-

46 G. 3. c. 54.

tories under and by virtue of the King's Commission or Commissions under the Great Seal of Great Britain, to be directed to Commissioners in the Manner and with the Powers and Authorities therein provided: And whereas it is expedient to make further and better Provision for the Apprehension, Custody, and Trial in Her Majesty's Islands, Plantations, Colonies, Dominions, Forts, and Factories of Persons charged with the Commission of such Offences on the Sea, or in any such Haven, River, Creek, or Place as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person within any Colony shall be charged with the Commission of any Treason, Piracy, Felony, Robbery, Murder, Conspiracy, or other Offence, of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or if any Person charged with the Commission of any such Offence upon the Sea, or in any such Haven, River, Creek, or Place shall be brought for Trial to any Colony, then and in every such Case all Magistrates, Justices of the Peace, public Prosecutors, Juries, Judges, Courts, public Officers, and other Persons in such Colony shall have and exercise the same Jurisdiction and Authorities for inquiring of, trying, hearing, determining, and adjudging such Offences, and they are hereby respectively authorized, empowered, and required to institute and carry on all such Proceedings, for the bringing of such Persons so charged as aforesaid to Trial, and for and auxiliary to and consequent upon the Trial of any such Person for any such Offence wherewith he may be charged as aforesaid, as by the Law of such Colony would and ought to have been had and exercised or instituted and carried on by them respectively if such Offence had been committed, and such Person had been charged with having committed the same, upon any Waters situate within the Limits of any such Colony, and within the Limits of the local Jurisdiction of the Courts of Criminal Justice of such Colony.

2. Provided always, and be it enacted, That if any Person shall be convicted before any such Court of any such Offence, such Person so convicted shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in Force Persons convicted of the same respectively would be subject and liable to in case such Offence had been committed, and were inquired of, tried, heard, determined, and adjudged, in England, any Law, Statute, or Usage to the contrary notwithstanding.

3. And be it enacted, That where any Person shall die in any Colony of any Stroke, Poisoning, or Hurt, such Person having been feloniously stricken, poisoned, or hurt upon the Sea, or in any Haven,

All Persons charged in any Colony with Offences committed on the Sea may be dealt with in the same Manner as if the Offences had been committed on Waters within the local Jurisdiction of the Courts of the Colony.

Persons convicted of such Offences shall suffer the like Punishments as in England.

Provision for the Trial of Murder and Manslaughter where the Death only happens in the Colony or upon the Sea.

River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or at any Place out of such Colony, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being Accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in such Colony in the same Manner in all respects as if such Offence had been wholly committed in that Colony; and that if any Person in any Colony shall be charged with any such Offence as aforesaid in respect of the Death of any Person who having been feloniously stricken, poisoned, or otherwise Hurt, shall have died of such Stroke, Poisoning, or Hurt, upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, such Offence shall be held for the Purpose of this Act to have been wholly committed upon the Sea.

Jurisdiction of the
Supreme Courts of
New South Wales,
&c. preserved. 9 G
4. c. 83.

4. Provided also, and be it enacted, That nothing in this Act contained shall in any way affect or abridge the Jurisdiction of the Supreme Courts of New South Wales and Van Diemen's Land as established by an Act passed in the Ninth Year of the Reign of King George the Fourth, intituled *An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto.*

Interpretation
of Terms.

5. And be it enacted, That for the Purposes of this Act the Word "Colony" shall mean any Island, Plantation, Colony, Dominion, Fort, or Factory of Her Majesty, except any Island within the United Kingdom, and the Islands of Man, Guernsey Jersey, Alderney, and Sark, and the Islands adjacent thereto respectively, and except also all such Parts and Places as are under the Government of the East India Company; and the Word "Governor" shall mean the Officer for the Time being administering the Government of any Colony.

Act may be
amended, &c

6. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

Bankruptcy Act, 1849, omitted from 1982 reprint.—Next page is 224.

CAP. XVII.

An Act to amend an Act of the last Session of Parliament for granting Relief against Defects in Leases made under Powers of Leasing.

[31st May 1850.]

12 & 13 Vict. c. 26. **W**HEREAS an Act was passed in the last Session of Parliament, "for granting Relief against Defects in Leases made under Powers of Leasing in certain Cases"; and by another Act of the same Session the Operation of the said first-recited Act was suspended until the First Day of June One thousand eight hundred and fifty: And whereas it is expedient that the said first-recited Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said first-recited Act as enacts that the Acceptance of Rent under any such invalid Lease as therein mentioned shall, as against the Person accepting the same, be deemed a Confirmation of such Lease, shall be repealed.

12 & 13 Vict. c. 110.

12 & 13 Vict. c. 26. s. 3. repealed.

Where there is a Note in Writing showing Intent to confirm, Acceptance of Rent to be deemed a Confirmation.

2. And be it enacted, That where, upon or before the Acceptance of Rent under any such invalid Lease, as in the said first-recited Act mentioned, any Receipt, Memorandum, or Note in Writing, confirming such Lease, is signed by the Person accepting such Rent, or some other Person by him thereunto lawfully authorized, such Acceptance shall, as against the Person so accepting such Rent, be deemed a Confirmation of such Lease.

Where Reversioner is able and willing to confirm, Lessee to accept Confirmation.

3. And be it enacted, That where during the Continuance of the Possession taken under any such invalid Lease, as in the said first-recited Act mentioned, the Person for the Time being entitled (subject to such Possession as aforesaid) to the Hereditaments comprised in such Lease, or to the Possession of the Receipt of the Rents and Profits thereof, is able to confirm such Lease without Variation, the Lessee, his Heirs, Executors, or Administrators, (as the Case may require,) or any Person who would have been bound by the Lease if the same had been valid, shall, upon the Request of the Person so able to confirm the same, be bound to accept a Confirmation accordingly; and such Confirmation may be by Memorandum or Note in Writing, signed by the Persons confirming and accepting respectively, or by some other Persons by them respectively thereunto lawfully authorized, and after Confirmation and Acceptance of Confirmation such Lease shall be valid, and

shall be deemed to have had from the granting thereof the same Effect as if the same had been originally valid.

4. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

CAP. XXV.

An Act to improve the Law of Landlord and Tenant in relation to Emblements, to growing Crops seized in Execution, and to Agricultural Tenants Fixtures.

[24th July 1851.]

WHEREAS it is expedient to amend the Law to prevent or lessen the Evils of the Right to Emblements, and the Loss and Injury arising therefrom, and also the Law relating to growing Crops seized under Executions, and to Agricultural Fixtures: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

1. That where the Lease or Tenancy of any Farm or Lands held by a Tenant at Rackrent shall determine by the Death or Cesser of the Estate of any Landlord entitled for his Life, or for any other uncertain Interest, instead of Claims to Emblements, the Tenant shall continue to hold and occupy such Farm or Lands until the Expiration of the then current Year of his Tenancy, and shall then quit, upon the Terms of his Lease or Holding, in the same Manner as if such Lease or Tenancy were then determined by Effluxion of Time or other lawful Means during the Continuance of his Landlord's Estate; and the succeeding Landlord or Owner shall be entitled to recover and receive of the Tenant, in the same Manner as his Predecessor or such Tenant's Lessor could have done if he had been living or had continued the Landlord or Lessor, a fair Proportion of the Rent for the Period which may have elapsed from the Day of the Death or Cesser of the Estate of such Predecessor or Lessor to the Time of the Tenant so quitting, and the succeeding Landlord or Owner and the Tenant respectively shall, as between themselves and as against each other, be entitled to all the Benefits and Advantages, and be subject to the Terms, Conditions, and Restrictions, to which the preceding Landlord or Lessor and such

On Determination of Leases or Tenancies under Tenant for Life, &c., instead of Emblements Tenant to hold until Expiration of current Year, &c.

Tenant respectively would have been entitled and subject in case the Lease or Tenancy had determined in manner aforesaid at the Expiration of such current Year: Provided always, that no Notice to quit shall be necessary or required by or from either Party to determine any such Holding and Occupation as aforesaid.

Growing Crops seized and sold under Execution to be liable for accruing Rent.

2. That in case all or any Part of the growing Crops of the Tenant of any Farm or Lands shall be seized and sold by any Sheriff or other Officer by virtue of any Writ of Fieri facias or other Writ of Execution, such Crops, so long as the same shall remain on the Farms or Lands, shall, in default of sufficient Distress of the Goods and Chattels of the Tenant, be liable to the Rent which may accrue and become due to the Landlord after any such Seizure and Sale, and to the Remedies by Distress for Recovery of such Rent, and that notwithstanding any Bargain and Sale or Assignment which may have been made or executed of such growing Crops by any such Sheriff or other Officer.

Tenant may remove Buildings and Fixtures erected by him on Farms, unless Landlord elect to take to them.

3. That if any Tenant of a Farm or Lands shall, after the passing of this Act, with the Consent in Writing of the Landlord for the Time being, at his own Cost and Expense, erect any Farm-building, either detached or otherwise, or put up any other Building, Engine, or Machinery, either for Agricultural Purposes or for the Purposes of Trade and Agriculture, (which shall not have been erected or put up in pursuance of some Obligation in that Behalf), then all such Buildings, Engines, and Machinery shall be the Property of the Tenant, and shall be removable by him, notwithstanding the same may consist of separate Buildings, or that the same or any Part thereof may be built in or permanently fixed to the Soil, so as the Tenant making any such Removal do not in anywise injure the Land or Buildings belonging to the Landlord, or otherwise do put the same in like Plight and Condition, or as good Plight and Condition, as the same were in before the Erection of anything so removed: Provided nevertheless, that no Tenant shall, under the Provision last aforesaid, be entitled to remove any such Matter or Thing as aforesaid without first giving to the Landlord or his Agent One Month's previous Notice in Writing of his Intention so to do; and thereupon it shall be lawful for the Landlord, or his Agent on his Authority, to elect to purchase the Matters and Things so proposed to be removed, or any of them, and the Right to remove the same shall thereby cease, and the same shall belong to the Landlord; and the Value thereof shall be ascertained and determined by Two Referees, One to be chosen by each Party, or by an Umpire to be named by such Referees, and shall be paid or allowed in account by the Landlord who shall have so elected to purchase the same.

Tenant leaving Tithe Rent-charge unpaid, Landlord, &c. may pay the same, and recover

4. That if any occupying Tenant of Land shall quit, leaving unpaid any Tithe Rentcharge for or charged upon such Land which he was

by the Terms of his Tenancy or Holding legally or equitably liable to pay, and the Tithe Owner shall give or have given Notice of Proceeding by Distress upon the Land for Recovery thereof, it shall be lawful for the Landlord, or the succeeding Tenant or Occupier, to pay such Tithe Rentcharge, and any Expenses incident thereto, and to recover the Amount or Sum of Money which he may so pay over against such first-named Tenant or Occupier, or his legal Representatives, in the same Manner as if the same were a Debt by simple Contract due from such first-named Tenant or Occupier to the Landlord or Tenant making such Payment.

as if it were a
simple Contract
Debt.

5. Nothing in this Act shall extend to Scotland.

Act not to extend
to Scotland.

CAP. LXXVI.

[30th June 1852.]

209. Every Tenant to whom any Writ in Ejectment shall be delivered, or to whose Knowledge it shall come, shall forthwith give Notice thereof to his Landlord, or his Bailiff or Receiver, under Penalty of forfeiting the Value of Three Years improved or Rack Rent of the Premises, demised or holden in the Possession of such Tenant, to the Person of whom he holds, to be recovered by Action in any Court of Common Law having jurisdiction for the Amount.

Tenants to give
Notice of Eject-
ment to Landlord.

210. In all Cases between Landlord and Tenant, as often as it shall happen that One Half Year's Rent shall be in arrear, and the Landlord or Lessor, to whom the same is due, hath Right by Law to re-enter for the Non-payment thereof, such Landlord or Lessor shall and may, without any formal Demand or Re-entry, serve a Writ in Ejectment for the Recovery of the demised Premises, or in case the same cannot be legally served, or no Tenant be in actual Possession of the Premises, then such Landlord or Lessor may affix a Copy thereof upon the Door of any demised Messuage, or in case such Action in Ejectment shall not be for the Recovery of any Messuage, then upon some notorious Place of the Lands, Tenements, or Hereditaments comprised in such Writ in Ejectment, and such affixing shall be deemed legal Service thereof, which Service or affixing such Writ in Ejectment shall stand in the Place and Stead of a Demand and Re-entry; and in Case of Judgment against the Defendant for Nonappearance, if it shall be made appear to the Court where the said Action is depending, by Affidavit, or be proved

Proceedings in
Ejectment by
Landlord for Non-
payment of Rent.

upon the Trial in case the Defendant appears, that Half a Year's Rent was due before the said Writ was served, and that no sufficient Distress was to be found on the demised Premises, countervailing the Arrears then due, and that the Lessor had Power to re-enter, then and in every such Case, the Lessor shall recover Judgment and Execution, in the same Manner as if the Rent in Arrear had been legally demanded, and a Re-entry made; and in case the Lessee or his Assignee, or other Person claiming or deriving under the said Lease, shall permit and suffer Judgment to be had and recovered on such Trial in Ejectment, and Execution to be executed thereon, without paying the Rent and Arrears, together with full Costs, and without proceeding for Relief in Equity within Six Months after such Execution executed, then and in such Case the said Lessee, his Assignee, and all other Persons claiming and deriving under the said Lease, shall be barred and foreclosed from all Relief or Remedy in Law or Equity, other than by bringing Error for Reversal of such Judgment, in case the same shall be erroneous, and the said Landlord or Lessor shall from thenceforth hold the said demised Premises discharged from such Lease; and if on such Ejectment a Verdict shall pass for the Defendant, or the Claimant shall be Nonsuited therein, then in every such Case such Defendant shall have and recover his Costs; provided that nothing herein contained shall extend to bar the Right of any Mortgagee of such Lease, or any Part thereof, who shall not be in possession, so as such Mortgagee shall and do, within Six Months after such Judgment obtained and Execution executed, pay all Rent in arrear, and all Costs and Damages sustained by such Lessor or Person entitled to the Remainder or Reversion as aforesaid, and perform all the Covenants and Agreements which, on the Part and Behalf of the First Lessee, are and ought to be performed.

Lessee proceeding
in Equity not to
have Injunction or
Relief without
Payment of Rent
and Costs.

211. In case the said Lessee, his Assignee, or other Person claiming any Right, Title, or Interest, in Law or Equity, of, in, or to the said Lease, shall, within the Time aforesaid, proceed for Relief in any Court of Equity, such Person shall not have or continue any Injunction against the Proceedings at Law on such Ejectment, unless he does or shall, within Forty Days next after a full and perfect Answer shall be made by the Claimant in such Ejectment, bring into Court, and lodge with the proper Officer, such Sum and Sums of Money as the Lessor or Landlord shall in his Answer swear to be due and in arrear over and above all just Allowances, and also the Costs taxed in the said Suit, there to remain till the Hearing of the Cause, or to be paid out to the Lessor or Landlord on good Security, subject to the Decree of the Court; and in case such Proceedings for Relief in Equity shall be taken within the Time aforesaid, and after Execution is executed, the Lessor or Landlord shall be accountable only for so much and no more as he shall really

and bona fide, without Fraud, Deceit, or wilful Neglect, make of the demised Premises from the Time of his entering into the actual Possession thereof; and if what shall be so made by the Lessor or Landlord happen to be less than the Rent reserved on the said Lease, then the said Lessee or his Assignee, before he shall be restored to his possession, shall pay such Lessor or Landlord, what the Money so by him made fell short of the reserved Rent for the Time such Lessor or Landlord held the said Lands.

212. If the Tenant or his Assignee do or shall, at any Time before the Trial in such Ejectment, pay or tender to the Lessor or Landlord, his Executors or Administrators, or his or their Attorney in that Cause, or pay into the Court where the same Cause is depending, all the Rent and Arrears, together with the Costs, then and in such Case all further Proceedings on the said Ejectment shall cease and be discontinued; and if such Lessee, his Executors, Administrators, or Assigns, shall, upon such Proceedings as aforesaid, be relieved in Equity, he and they shall have, hold, and enjoy the demised Lands, according to the Lease thereof made, without any New Lease.

Tenant paying all
Rent with Costs,
Proceedings to cease.

213. Where the Term or Interest of any Tenant now or hereafter holding under a Lease or Agreement in Writing any Lands, Tenements, or Hereditaments for any Term or Number of Years certain, or from Year to Year, shall have expired or been determined either by the Landlord or Tenant by regular Notice to quit, and such Tenant, or any one holding or claiming by or under him, shall refuse to deliver up Possession accordingly, after lawful Demand in Writing made and signed by the Landlord or his Agent, and served personally upon or left at the Dwelling House or usual Place of Abode of such Tenant or Person, and the Landlord shall thereupon proceed by Action of Ejectment for the Recovery of Possession, it shall be lawful for him, at the Foot of the Writ in Ejectment, to address a Notice to such Tenant or Person requiring him to find such Bail, if ordered by the Court or a Judge, and for such Purposes as are herein-after next specified; and upon the Appearance of the Party on an Affidavit of Service of the Writ and Notice, it shall be lawful for the Landlord producing the Lease or Agreement, or some Counterpart or Duplicate thereof, and proving the Execution of the same by Affidavit, and upon Affidavit that the Premises have been actually enjoyed under such Lease or Agreement, and that the Interest of the Tenant has expired, or been determined by regular Notice to quit, as the Case may be, and that Possession has been lawfully demanded in manner aforesaid, to move the Court or apply by Summons to a Judge at Chambers for a Rule or Summons for such Tenant or Person to show Cause, within a Time to be fixed by the Court or Judge on a Consideration of the Situation of the

Ejectment by
Landlord against
Tenant holding over
after Expiration of
Term or Determina-
tion of Tenancy by
Notice to quit.

Rule or Summons
for the Tenant to
give Bail.

On Rule or Summons absolute, if Tenant shall not conform, Judgment to be for the Landlord.

Premises, why such Tenant or Person should not enter into a Recognizance by himself and Two sufficient Sureties in a reasonable Sum conditioned to pay the Costs and Damages which shall be recovered by the Claimants in the Action; and it shall be lawful for the Court or Judge upon Cause shown, or upon Affidavit of the Service of the Rule or Summons in case no Cause shall be shown, to make the same absolute in the whole or in part, and to order such Tenant or Person, within a Time to be fixed, upon a Consideration of all the Circumstances, to find such Bail, with such Conditions and in such Manner as shall be specified in the said Rule or Summons, or such Part of the same so made absolute; and in case the Party shall neglect or refuse so to do, and shall lay no Ground to induce the Court or Judge to enlarge the Time for obeying the same, then the Lessor or Landlord filing an Affidavit that such Rule or Order has been made and served and not complied with shall be at liberty to sign Judgment for Recovery of Possession and Costs of Suit in the Form contained in the Schedule (A.) to this Act annexed, marked No. 21., or to the like Effect.

On Trial of any Ejectment between Landlord and Tenant, Juries to give Damages for mesne Profits down to the Verdict, or to a Day specified therein.

214. Wherever it shall appear on the Trial of any Ejectment, at the Suit of a Landlord against a Tenant, that such Tenant or his Attorney hath been served with due Notice of Trial, the Judge before whom such Cause shall come on to be tried shall, whether the Defendant shall appear upon such Trial or not, permit the Claimant on the Trial, after Proof of his Right to recover Possession of the whole or of any Part of the Premises mentioned in the Writ in Ejectment, to go into Evidence of the mesne Profits thereof which shall or might have accrued from the Day of the Expiration or Determination of the Tenant's Interest in the same down to the Time of the Verdict given in the Cause, or to some preceding Day to be specially mentioned therein; and the Jury on the Trial finding for the Claimant shall in such Case give their Verdict upon the whole Matter, both as to the Recovery of the whole or any Part of the Premises, and also as to the Amount of the Damages to be paid for such mesne Profits; and in such Case the Landlord shall have Judgment within the Time herein-before provided, not only for the Recovery of Possession and Costs, but also for the mesne Profits found by the Jury: Provided always, that nothing herein-before contained shall be construed to bar any such Landlord from bringing any Action for the mesne Profits which shall accrue from the Verdict, or the Day so specified therein, down to the Day of the Delivery of Possession of the Premises recovered in the Ejectment.

Landlord to recover Possession of Lands, &c. after Service of Writ in Ejectment.

217. In all Actions of Ejectment hereafter to be brought in any of Her Majesty's Courts at Westminster by any Landlord against his Tenant, or against any Person claiming through or under such Tenant, for the Recovery of any Lands or Hereditaments in any County, except London or Middlesex, where the Tenancy shall expire,

or the Right of Entry into or upon such Lands or Hereditaments shall accrue to such Landlord, in or after Hilary or Trinity Terms respectively, it shall be lawful for the Claimant in any such Action, at any Time within Ten Days after such Tenancy shall expire, or Right of Entry accrue as aforesaid, to serve a Writ in Ejectment in the Form contained in the Schedule (A.) to this Act annexed, marked No. 13, except that it shall command the Persons to whom it is addressed to appear within Ten Days after Service thereof in the Court in which such Action may be brought; and the like Proceedings shall be thereupon had as herein-before provided, save that it shall be sufficient to give at least Six clear Days Notice of Trial to the Defendant before the Commission Day of the Assizes at which such Ejectment is intended to be tried; and any Defendant in such Action may, at any Time before the Trial thereof, apply to a Judge by Summons to stay or set aside the Proceedings, or to postpone the Trial until the next Assizes; and it shall be lawful for the Judge, in his Discretion, to make such Order in the said Cause, as to him shall seem expedient.

218. Nothing herein contained shall be construed to prejudice or affect any other Right of Action or Remedy which Landlord's may possess in any of the Cases herein-before provided for, otherwise than herein-before expressly enacted.

Saving of former Remedies.

219. Where an Action of Ejectment shall be brought by any Mortgagee, his Heirs, Executors, Administrators, or Assignees, for the Recovery of the Possession of any mortgaged Lands, Tenements, or Hereditaments, and no Suit shall be then depending in any of Her Majesty's Courts of Equity in that Part of Great Britain called England, for or touching the foreclosing or redeeming of such Mortgages Lands, Tenements, or Hereditaments, if the Person having Right to redeem such mortgaged Lands, Tenements, or Hereditaments, and who shall appear and become Defendant in such Action, shall, at any Time pending such Action, pay unto such Mortgagee, or, in case of his refusal, shall bring into Court, where such Action shall be depending, all the Principal Monies and Interest due on such Mortgage, and also all such Costs as have been expended in any Suit at Law or in Equity upon such Mortgage (such Money for Principal, Interest, and Costs to be ascertained and computed by the Court where such Action is or shall be depending, or by the proper Officer by such Court to be appointed for that Purpose), the Monies so paid to such Mortgagee, or brought into such Court, shall be deemed and taken to be in full Satisfaction and Discharge of such Mortgage, and the Court shall and may discharge every such Mortgagor or Defendant of and from the same accordingly; and shall and may, by Rule of the same Court, compel such Mortgagee, at the Costs and Charges of such Mortgagor, to assign, surrender, or re-convey such mortgaged Lands, Tenements,

In Ejectment by Mortgagee, the Mortgagor's rendering the Principal, Interest, and Costs in Court shall be deemed a full Satisfaction, and the Court may compel the Mortgagee to re-convey.

or Hereditaments, and such Estate and Interest as such Mortgagee has therein, and deliver up all Deeds, Evidences, and Writings in his Custody, relating to the Title of such mortgaged Lands, Tenements, and Hereditaments, unto such Mortgagor, who shall have paid or brought such Monies into the Court, his Heirs, Executors, or Administrators, or to such other Person or Persons as he or they shall for that Purpose nominate or appoint.

Not to extend to Cases where the Right of Redemption is controverted, or the Money due not adjusted;

220. Nothing herein contained shall extend to any Case where the Person, against whom the Redemption is or shall be prayed, shall (by Writing under his Hand, or the Hand of his Attorney, Agent, or Solicitor, to be delivered before the Money shall be brought into such Court of Law, to the Attorney or Solicitor for the other Side,) insist, either that the Party praying a Redemption has not a Right to redeem, or that the Premises are chargeable with other or different Principal Sums, than what appear on the Face of the Mortgage or shall be admitted on the other Side; or to any Case where the Right of Redemption to the mortgaged Lands and Premises in question in any Cause Suit or shall be controverted or questioned by or between different Defendants in the same Cause or Suit; or shall be any Prejudice to any subsequent Mortgage or subsequent Incumbrance, anything herein contained to the contrary thereof in anywise notwithstanding.

or to prejudice any subsequent Mortgage.

CAP. LXXXVI.

[1st July 1852.]

Court may direct Sale of mortgaged Property instead of a Foreclosure on such Terms as it may think fit.

It shall be lawful for the Court in any Suit for the Foreclosure of the Equity of Redemption in any mortgaged Property, upon the Request of the Mortgagee, or of any subsequent Incumbrancer, or of the Mortgagor, or any Person claiming under them respectively, to direct a Sale of such Property, instead of a Foreclosure of such Equity of Redemption, on such Terms as the Court may think fit to direct, and if the Court shall so think fit, without previously determining the Priorities of Incumbrances, or giving the usual or any Time to redeem; provided that if such Request shall be made by any such subsequent Incumbrancer, or by the Mortgagor, or by any Person claiming under them respectively, the Court shall not direct any such Sale, without the Consent of the Mortgagee or the Persons claiming under him, unless the Party making such Request shall deposit in Court a reasonable Sum of Money to be fixed by the Court, for the Purposes of securing the Performance of such Terms as the Court may think fit to impose on the Party making such Request.

CAP. CXIX.

An Act for the Suppression of Betting Houses.

[20th August 1853.]

WHEREAS a kind of Gaming has of late sprung up tending to the Injury and Demoralization of improvident Persons by the opening of Places called Betting Houses or Offices, and the receiving of Money in advance by the Owners or Occupiers of such Houses or Offices, or by other Persons acting on their Behalf, on their Promises to pay Money on Events of Horse Races and the like Contingencies: For the Suppression thereof, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. No House, Office, Room, or other Place shall be opened, kept, or used for the Purpose of the Owner, Occupier, or Keeper thereof, or any Person using the same, or any Person procured or employed by or acting for or on behalf of such Owner, Occupier, or Keeper, or Person using the same, or of any Person having the Care or Management or in any Manner conducting the Business thereof betting with Persons resorting thereto; or for the Purpose of any Money or valuable Thing being received by or on behalf of such Owner, Occupier, Keeper, or Person as aforesaid as or for the Consideration for any Assurance, Undertaking Promise, or Agreement, express or implied, to pay or give thereafter any Money or valuable Thing on any Event or Contingency of or relating to any Horse Race, or other Race, Fight, Game, Sport, or Exercise, or as or for the Consideration for securing the paying or giving by some other Person of any Money or valuable Thing on any such Event or Contingency as aforesaid; and every House, Office, Room, or other Place opened, kept, or used for the Purposes aforesaid, or any of them, is hereby declared to be a common Nuisance and contrary to Law.

No House, &c. to be kept for purpose of Owner or Occupier betting with other Persons.

CAP. CXI.

An Act to amend the Law relating to Bills of Lading.

[14th August 1855.]

WHEREAS by the Custom of Merchants a Bill of Lading of Goods being transferable by Endorsement the Property in the Goods may thereby pass to the Endorsee, but nevertheless all Rights in respect of the Contract contained in the Bill of Lading continue in the original Shipper or Owner, and it is expedient that such Rights should pass with the Property: And whereas it frequently happens that the Goods in respect of which Bills of Lading purport to be signed have not been laden on board, and it is proper that such Bills of Lading in the Hands of a bona fide Holder for Value should not be questioned by the Master or other Person signing the same on the Ground of the Goods not having been laden as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights under Bills
of Lading to vest in
Consignee or
Endorsee.

1. Every Consignee of Goods named in a Bill of Lading, and every Endorsee of a Bill of Lading to whom the Property in the Goods therein mentioned shall pass, upon or by reason of such Consignment or Endorsement, shall have transferred to and vested in him all Rights of Suit, and be subject to the same Liabilities in respect of such Goods as if the Contract contained in the Bill of Lading had been made with himself.

Not to affect Right
of Stoppage in
transitu or Claims
for Freight.

2. Nothing herein contained shall prejudice or affect any Right of Stoppage in transitu, or any Right to claim Freight against the original Shipper or Owner, or any Liability of the Consignee or Endorsee by reason or in consequence of his being such Consignee or Endorsee, or of his Receipt of the Goods by reason or in consequence of such Consignment or Endorsement.

Bill of Lading in
Hands of Consignee,
&c. conclusive
Evidence of the
Shipment as against
Master, &c.

3. Every Bill of Lading in the Hands of a Consignee or Endorsee for valuable Consideration representing Goods to have been shipped on Board a Vessel shall be conclusive Evidence of such Shipment as against the Master or other Person signing the same, notwithstanding that such Goods or some Part thereof may not have been so shipped, unless such Holder of the Bill of Lading shall have had actual Notice at the Time of receiving the same that the Goods had not been in fact laden on board: Provided, that the Master or other Person so signing may exonerate himself in respect of

Proviso.

such Misrepresentation by showing that it was caused without any Default on his Part, and wholly by the Fraud of the Shipper, or of the Holder, or some Person under whom the Holder claims.

CAP. LVII.

An Act to enable Married Women to dispose of Réversionary Interests in Personal Estate.

[25th August 1857.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. After the Thirty-first Day of December One thousand eight hundred and fifty-seven, it shall be lawful for every Married Woman to dispose of every future or Reversionary Interest, whether vested or contingent, of such Married Woman, or her Husband in her Right, in any Personal Estate whatsoever to which she shall be entitled under any Instrument made after the said Thirty-first Day of December One thousand eight hundred and fifty-seven (except such a Settlement as after mentioned), and also to release or extinguish any Power which may be vested in or limited or reserved to her in regard to any such Personal Estate, as fully and effectually as she could do if she were a Feme Sole, and also to release and extinguish her Right or Equity to a Settlement out of any Personal Estate to which she, or her Husband in her Right, may be entitled in possession under any such Instrument as aforesaid, save and except that no such Disposition, Release, or Extinguishment, shall be valid unless the Husband concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as herein-after directed: Provided always, that nothing herein contained shall extend to any Reversionary Interest to which she shall become entitled by virtue of any Deed, Will, or Instrument by which she shall be restrained from alienating or affecting the same.

Married Women may dispose of Reversionary Interests in Personal Estate, and release Powers over such Estate, and also their Rights to a Settlement out of such Estate in possession.

2. Every Deed to be executed in England or Wales by a Married Woman for any of the Purposes of this Act shall be acknowledged by her, and be otherwise perfected, in the Manner in and by the Act passed in the Third and Fourth Years of the Reign of His late

Deeds to be acknowledged by Married Women as required by 3 & 4 W. 4. c. 74. for disposing of Interests in, &c. Land in England or Wales;

in Ireland, as by
4 & 5 W. 4. c. 92.

Majesty King William the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, prescribed for the Acknowledgment and perfecting of Deeds disposing of Interests of Married Women in Land; and every Deed to be executed in Ireland by a Married Woman for any of the Purposes of this Act shall be acknowledged by her and be otherwise perfected in the Manner in and by the Act passed in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and the Substitution of more simple Modes of Assurance, in Ireland*, prescribed for the Acknowledgement and perfecting of Deeds disposing of Interests of Married Women in Land; and all and singular the Clauses and Provisions in the said Acts concerning the Disposition of Lands by Married Women, including the Provisions for dispensing with the Concurrence of the Husbands of Married Women, in the Cases in the said Acts mentioned, shall extend, and be applicable to such interests in Personal Estate and to such Powers as may be disposed of, released, or extinguished by virtue of this Act, as fully and effectually as if such Interests or Powers were Interests in or Powers over Land.

Powers of Dis-
position given by
this Act not to
interfere with other
Powers.

3. Provided always, That the Powers of Disposition given to a Married Woman by this Act shall not interfere with any Power which independently of this Act may be vested in or limited or reserved to her, so as to prevent her from exercising such Power in any Case, except so far as by any Disposition made by her under this Act she may be prevented from so doing, in consequence of such Power having been suspended or extinguished by such Disposition.

Act not to extend
to certain Settle-
ments.

4. Provided always, That the Powers of Disposition hereby given to a Married Woman shall not enable her to dispose of any Interest in Personal Estate settled upon her by any Settlement or Agreement for a Settlement made on the Occasion of her Marriage.

Not to extend to
Scotland.

5. This Act shall not extend to Scotland.

CAP. XCIII.

An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects.

[2nd August 1858.]

WHEREAS it is expedient to enable Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and also to enable Persons to establish their Right to be deemed natural-born Subjects: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. Any natural-born Subject of the Queen or any Person whose Right to be deemed a natural-born Subject depends wholly or in part on his Legitimacy or on the Validity of a Marriage, being domiciled in England or Ireland, or claiming any Real or Personal Estate situate in England, may apply by Petition to the Court for Divorce and Matrimonial Causes, praying the Court for a Decree declaring that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his Grandfather and Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person, being so domiciled or claiming as aforesaid, may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage, and such Court shall have Jurisdiction to hear and determine such Application and to make such Decree declaratory of the Legitimacy or Illegitimacy of such Person, or of the Validity or Invalidity of such Marriage, as to the Court may seem just; and such Decree, except as herein-after mentioned, shall be binding to all Intents and Purposes on Her Majesty and on all Persons whomsoever.

Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity of Marriage.

2. Any Person, being so domiciled or claiming as aforesaid, may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just, and where such Application as last aforesaid is made by the Person making such Application as herein-mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every

Application to Court for Declaration of Right to be deemed a natural-born Subject.

Decree made by the said Court shall, except as herein-after mentioned, be valid and binding to all Intents and Purposes upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit.

3. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 85. to apply to Proceedings under this Act.

4. All the Provisions of the Act of the last Session, Chapter Eighty-five, so far as the same may be applicable, and the Powers and Provisions therein contained in relation to the making and laying before Parliament of Rules and Regulations concerning the Practice and Procedure under that Act, and fixing the Fees payable upon Proceedings before the Court, shall extend to Applications and Proceedings in the said Court under this Act, as if the same had been authorized by the said Act of the last Session.

Power to award and enforce Payment of Costs.

5. In all Proceedings under this Act the Court shall have full Power to award and enforce Payment of Costs to any Persons cited whether such Persons shall or shall not oppose the Declaration applied for, in case the said Court shall deem it reasonable that such Costs should be paid.

Attorney General to have Copy of Petition One Month before it is filed.

6. A Copy of every Petition under this Act, and of the Affidavit accompanying the same, shall, One Month at least previously to the Presentation or filing of such Petition, be delivered to Her Majesty's Attorney General, who shall be a Respondent upon the Hearing of such Petition and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

7. Where any Application is made under this Act to the said Court such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving for Rights of Persons not cited.

8. The Decree of the said Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings or is the Heir-at-Law or next of Kin, or other Real or Personal Representative of or derives Title under or through a Person so cited or made a Party; nor shall such Sentence or Decree of the Court prejudice any Person if subsequently proved to have been obtained by Fraud or Collusion.

Person domiciled in Scotland may insist, on an Action, that he is a natural-born Subject.

9. Any Person domiciled in Scotland, or claiming any Heritable or Movable Property situate in Scotland, may raise and insist, in an Action of Declarator before the Court of Session, for the Purpose

of having it found and declared that he is entitled to be deemed a natural-born Subject of Her Majesty; and the said Court shall have Jurisdiction to hear and determine such Action of Declarator, in the same Manner and to the same Effect, and with the same Power to award Expenses, as they have in Declarators of Legitimacy and Declarators of Bastardy.

10. No Proceeding to be had under this Act shall affect any final Judgment or Decree already pronounced or made by any Court of competent Jurisdiction. Final Judgments, &c.

11. The said Act of the last Session and this Act shall be construed together as One Act; and this Act may be cited for all Purposes as "The Legitimacy Declaration Act, 1858." Acts to be read together.
Short Title.

CAP. XCIX.

An Act to provide for the Government of British Columbia.

[2nd August 1858.]

WHIEREAS divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the North-west Coast of North America, commonly known by the Designation of New Caledonia, and from and after the passing of this Act to be named British Columbia, and the Islands adjacent, for Mining and other Purposes; and it is desirable to make some temporary provision for the Civil Government of such Territories, until permanent Settlements shall be thereupon established, and the Number of Colonists increased: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. British Columbia shall, for the Purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of America, to the East by the main Chain of the Rocky Mountains, to the North by Simpson's River and the Finlay Branch of the Peace River, and to the West by the Pacific Ocean, and shall include Queen Charlotte's Island, and all other Islands adjacent to the said Territories, except as herein-after excepted. Boundaries of British Columbia.

Her Majesty by Order in Council may make or provide for the making of Laws for the Government of Her Majesty's Subjects and others in British Columbia.

2. It shall be lawful for Her Majesty, by any Order or Orders to be by Her from Time to Time made, with the Advice of Her Priy Council, to make, ordain, and establish and (subject to such Conditions or Restrictions as to Her shall seem meet) to authorize and empower such Officer as She may from Time to Time appoint as Governor of British Columbia, to make Provision for the Administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions, and Ordinances as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and Enactment thereof respectively:

Her Majesty may establish a local Legislature in British Columbia.

3. Provided always, That its shall be lawful for Her Majesty, so soon as She may deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such Officer to constitute a Legislature to make Laws for the Peace, Order, and good Government of British Columbia, such Legislature to consist of the Governor and a Council, or Council and Assembly, to be composed of such and so many Persons, and to be appointed or elected in such Manner and for such Periods, and subject to such Regulations, as to Her Majesty may seem expedient.

Certain Provisions of 43 G. 3. c. 138, and 1 & 2 G. 4. c. 66. as regards British Columbia repealed.

4. And whereas an Act was passed in the Forty-third Year of King George the Third, intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces*: And whereas by an Act passed in the Second Year of King George the Fourth, intituled *An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of North America*, it was enacted, that from and after the passing of that Act the Courts of Judicature then existing or which might be thereafter established in the Province of Upper Canada should have the same Civil Jurisdiction, Power, and Authority, within the Indian Territories and other Parts of America not within the Limits of either of the Provinces of Lower or Upper Canada or of any Civil Government of the United States, as the said Courts had or were invested with within the Limits of the said Provinces of Lower or Upper Canada respectively, and that every Contract, Agreement, Debt, Liability, and Demand made, entered into, incurred, or arising within the said Indian Territories and other Parts of America, and every Wrong and Injury to the Person or to Property committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable and

be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of Upper Canada; and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada; and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of America as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of England trading to Hudson's Bay as within the Indian Territories of such other Parts of America as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take Cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of Upper Canada:

From and after the Proclamation of this Act in British Columbia the said Act of the Forty-third Year of King George the Third, and the said recited Provisions of the said Act of the Second Year of King George the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the Indian Territories and other Parts of America to the Process and Acts of the said Courts of Upper Canada, shall cease to have Force in and to be applicable to British Columbia.

5. Provided always, That all Judgments given in any Civil Suit in British Columbia shall be subject to Appeal to Her Majesty in

Appeal from Judgments in Civil Suits to the Privy Council.

Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of Canada, and to such further or other Regulations as Her Majesty, with the Advice of Her Privy Council, shall from Time to Time appoint.

Vancouver's Island, as at present established, not to be included in British Columbia.

6. No Part of the Colony of Vancouver's Island, as at present established, shall be comprised within British Columbia for the Purpose of this Act; but it shall be lawful for Her Majesty, Her Heirs and Successors, on receiving at any Time during the Continuance of this Act a joint Address from the Two Houses of the Legislature of Vancouver's Island, praying for the Incorporation of that Island with British Columbia, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to British Columbia, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to Vancouver's Island.

"Governor."

7. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of British Columbia.

Act to continue in force until Dec. 31, 1862.

Expiration of Act not to affect Boundaries, &c.

8. This Act shall continue in force until the Thirty-first Day of December One thousand eight hundred and sixty-two, and thenceforth to the End of the then next Session of Parliament: Provided always, that the Expiration of this Act shall not affect the Boundaries hereby defined, or the Right of Appeal hereby given, or any Act done or Right or Title acquired under or by virtue of this Act, nor shall the Expiration of this Act revive the Acts or Parts of Acts hereby repealed.

REVOCATION.

Of License of 30th May, 1838, to Hudson's Bay Company,
for exclusive Trading with the Indians, in so far as
the same embraces the territories comprised in
British Columbia.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith. To all whom these presents shall come, greeting:

[2nd September, 1858.]

WHEREAS, by an instrument under the hand and seal of the Right Honourable Lord Glenelg, then one of Our principal Secretaries of State, and dated the 30th Day of May, one thousand eight hundred and thirty-eight, We did, for the reasons and considerations therein recited, grant and give our License to the Governor and Company of Adventurers trading to Hudson's Bay, and their successors, for the exclusive privilege of trading with the Indians in all such parts of North America to the northward and to the westward of the lands and territories belonging to the United States of America as should not form any part of Our Provinces in North America, or of any lands or territories belonging to the said United States of America, or to any European Government, State or Power, but subject nevertheless, as hereinafter mentioned; and did give, grant, and secure to the said Governor and Company and their successors, the sole and exclusive privilege, for the full period of twenty-one years from the date of Our said grant, of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter mentioned): Provided, nevertheless, and A.D. 1858.
We did thereby declare Our pleasure to be, that nothing therein contained should extend or be construed to prevent the establishment by Us, Our heirs or successors, within the territories aforesaid, or any of them, of any Colony or Colonies, Province or Provinces, or the annexing any part of the aforesaid territories to any existing colony or Colonies to Us in right of Our Imperial Crown belonging; or constituting any such form of Civil Government as to Us might seem meet, within any such Colony or Colonies, Province or Provinces. And we did thereby reserve to Us, Our heirs and successors, full power and authority to revoke Our said grant, or any part thereof, in so far as the same might embrace or extend to any of the territories aforesaid, which might thereafter be comprised within any Colony or Colonies, Province or Provinces, as aforesaid.

And whereas, We have by Our commission, under the great seal of Our United Kingdom of Great Britain and Ireland, bearing date

at Westminster this second day of September, one thousand eight hundred and fifty-eight, in the twenty-second year of Our reign, and in virtue as well of the powers vested in Us by an Act entitled "An Act to provide for the Government of British Columbia," as of all other powers and authorities belonging to us in that behalf, established within the territories aforesaid a Colony, under the title of "British Columbia," bounded as in the said recited Act is mentioned, to the south by the frontier of the United States of America, to the east by the main chain of the Rocky Mountains, to the North by Simpson's River and the Finlay Branch of the Peace River, and to the west by the Pacific Ocean; and including Queen Charlotte's Island, and all other islands adjacent to the said territories, except as hereinafter excepted.

And whereas, it has appeared to Us expedient that the right of exclusive trade with the Indians given by Us, in manner aforesaid, to the Governor and Company of Adventurers trading to Hudson's Bay, and their successors, within the territories in the said instrument described, should no longer be exercised by them within so much of those territories as is comprised within the said colony of British Columbia.

Now, know ye, that We do hereby revoke Our said grant contained in the hereinbefore recited instrument of the thirtieth day of May, one thousand eight hundred and thirty-eight, in so far as the same embraces or extends to the territories comprised within the said Colony of British Columbia.

And We do hereby declare that this present revocation of Our said grant shall take effect within the said Colony as soon as it shall have been proclaimed there by the officer administering the Government thereof.

Given at Our Court at Osborne House, Isle of Wight, this second day of September, 1858, in the twenty-second year of Our Reign.

By Her Majesty's command.

Proclamation of Governor Douglas
of November 19, 1958 moved to page 317.

Next page is 246.

CAP. LXIII.

An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof.

[13th August 1859.]

WHEREAS great Improvement in the Administration of the Law would ensue if Facilities were afforded for more certainly ascertaining the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.

1. If in any Action depending in any Court within Her Majesty's Dominions, it shall be the Opinion of such Court, that it is necessary or expedient for the proper Disposal of such Action to ascertain the Law applicable to the Facts of the Case as administered in any other Part of Her Majesty's Dominions on any Point on which the Law of such other Part of Her Majesty's Dominions is different from that in which the Court is situate, it shall be competent to the Court in which such Action may depend to direct a Case to be prepared setting forth the Facts, as these may be ascertained by Verdict of a Jury or other Mode competent, or may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing, and upon such Case being approved of by such Court or a Judge thereof, they shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to the Court in such other Part of Her Majesty's Dominions, being One of the Superior Courts thereof, whose Opinion is desired upon the Law administered by them as applicable to the Facts set forth in such Case, and desiring them to pronounce their Opinion on the Questions submitted to them in the Terms of the Act; and it shall be competent to any of the Parties to the Action to present a Petition to the Court whose Opinion is to be obtained, praying such last-mentioned Court to hear Parties or their Counsel, and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall, if they think fit, appoint an early Day for hearing Parties or their Counsel

on such Case, and shall thereafter pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper.

2. Upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be given to each of the Parties to the Action by whom the same shall be required, and shall be deemed and held to contain a correct Record of such Opinion.

Opinion to be authenticated and certified Copy given.

3. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with an Officer of the Court in which the Action may be depending, who may have the Official Charge thereof, together with a Notice of Motion, setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case herein-before specified, and the said Court shall thereupon apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as Evidence, or conclusive Evidence as the Court may think fit, of the Foreign Law therein stated, and the said Opinion shall be so submitted to the Jury.

Opinion to be applied by the Court making the Remit.

4. In the event of an Appeal to Her Majesty in Council or to the House of Lords in any such Action, it shall be competent to bring under the Review of Her Majesty in Council or of the House of Lords the Opinion pronounced as aforesaid by any Court whose Judgments are reviewable by Her Majesty in Council or by the House of Lords, and Her Majesty in Council or that House may respectively adopt or reject such Opinion of any Court whose Judgments are respectively reviewable by them, as the same shall appear to them to be well founded or not in Law.

Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.

5. In the Construction of this Act, the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in England, the Superior Courts of Law at Westminster, the Lord Chancellor, the Lords Justices, the Master of the Rolls or any Vice Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in Scotland, the High Court of

Interpretation of Terms.

Justiciary, and the Court of Session acting by either of its Divisions; in Ireland, the Superior Courts of Law at Dublin, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein.

At the Court of Osborne House, Isle of Wight, the 19th day of July, 1862.

PRESENT:—The QUEEN'S Most Excellent Majesty in Council.

WHEREAS, by an Act passed in the sixth year of the Reign of Her Majesty intituled "An Act to enable Her Majesty to provide for the government of Her settlements on the Coast of Africa and in the Falkland Islands," it was enacted that it should be lawful for Her Majesty, by any Order or Orders to be by Her made with the advice of Her Privy Council, to establish all such laws, institutions, and ordinances, and to constitute such courts and offices, and to make such provisions and regulations for the proceedings in such courts and for the administration of justice as might be necessary for the peace, order, and good government of Her Majesty's subjects and others within the said settlements. And whereas by an Act passed in the 24th year of the reign of Her Majesty, intituled "An Act to amend an Act passed in the 6th year of Her Majesty Queen Victoria, intituled 'An Act to enable Her Majesty to provide for the government of Her settlements on the coast of Africa and in the Falkland Islands,'" it was enacted that the provisions of the said first recited Act should extend to all possessions of Her Majesty not having been acquired by cession or conquest, nor (except in virtue of the latter Act) being within the jurisdiction of the Legislative authority of any of Her Majesty's possessions abroad, and that it should be lawful for Her Majesty, by any Order or Orders in Council, to authorize and acquire the supreme or other principal court of judicature in any of Her possessions to be specified in such Order, subject always to such conditions and limitations as in the said Order or Orders should be mentioned, to take cognizance of all or any suits, actions or prosecutions for treason or felony which might arise in respect of any act or matter occurring within any possession of Her Majesty, to which either of the above recited Acts should extend, and by such Order or Orders to make regulations respecting the attendance of witnesses in any such suit, action

or prosecution, and the mode of enforcing such attendance, and respecting the custody and conveyance of any person charged with the commission of any such crime within such last mentioned possessions, and respecting such other matters as may be requisite for the due trial of such person by such court as aforesaid. And whereas it is necessary to provide for the government of certain territories adjacent to our colony of British Columbia, but not being within the jurisdiction of the Legislative authority of any of Her Majesty's possessions abroad, hereinafter called the Stickeen territories.

Her Majesty, by virtue of the powers vested in Her by the said recited Acts, and of all other powers appertaining to Her is pleased to order, with the advice of Her Privy Council, and it is hereby ordered accordingly, that the said Stickeen territories shall comprise so much of the dominions of Her Majesty as are bounded to the west and south-west by the frontier of Russian America, to the south and south-east by the boundary of British Columbia, to the east by the 125th meridian of west longitude, and to the north by the 62nd parallel of north latitude. And it is further ordered that the Governor for the time being of British Columbia shall be Administrator of the Government of the said territories.

And it is further ordered that the said Administrator shall have full power under the public seal of the colony of British Columbia to constitute and appoint in the said territories judges, and in cases requisite commissioners of oyer and terminer, justices of the peace, sheriffs and other necessary officers and ministers for the due and impartial administration of justice and putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of offices and places and for the clearing of truth in judicial matters. Provided that no such appointment shall be made otherwise than provisionally until Her Majesty shall have signified Her approval thereof, nor in any case otherwise than during Her pleasure. And it is hereby ordered that the said Administrator shall have full power and authority to suspend from his office within the said territories any person exercising any office or place by virtue either of any appointment as aforesaid or of any commission or warrant granted or which may be granted by Her Majesty, or in Her name, or under Her authority, which suspension shall continue and have effect only until Her Majesty's pleasure therein shall be made known and signified to the said Administrator.

It is further ordered that the said Administrator shall have full power and authority, as he shall see occasion, in Her Majesty's name and on Her behalf, to grant to any offender convicted of any crime in any court or before any judge, justice or magistrate within the said territories, a pardon either free or subject to lawful conditions,

or any respite of the execution of any such offender for such period as to the said Administrator may seem fit, and to remit any fines, penalties or forfeitures which may become due and payable to Her Majesty.

And it is further ordered that the said Administrator shall have power and authority from time to time to make, alter and repeal regulations respecting the use and occupation of lands belonging to Her Majesty within the said territories, and by such regulations to authorize persons to seek or take away gold, silver or other minerals in or from any part of the said territories, and to require from such persons such fee or other payment as to him shall seem fit.

And it is further ordered that all persons infringing any such regulation or regulations, or neglecting to pay such fee, or make such other payment as aforesaid shall be liable to such penalty, not exceeding fifty pounds for any such infringement or non-payment, as in the said regulations may be from time to time declared.

And it is further ordered that the law in force in the said territories shall be the law of England as it existed on the 1st day of January, 1862, so far as the same is applicable to the circumstances of those territories.

And it is ordered that the supreme court of civil justice in British Columbia shall and may take cognizance of all or any suits, actions, or prosecutions for treason or felony which may arise in respect of any act or matter occurring within the said territories, and the said court and all officers thereof or of the Government of British Columbia, shall have and exercise, whether in the colony of British Columbia or in the said territories, the same powers in respect of the mode of enforcing the attendance of witnesses in any such suit, action or prosecution, and respecting the custody and conveyance of any person charged with the commission of felony or treason within the said territories, and respecting such other matters as may be requisite for the due trial of such person by the said supreme court as if the act or matter out of which such suit, action or prosecution had arisen had occurred within the colony of British Columbia.

And it is further ordered that the judge of the said supreme court may make general rules of court to regulate the proceedings of any justice of the peace or officer of court appointed under authority of this Order in Council.

And it is further ordered that every such justice, unless otherwise provided by the instrument appointing him, shall have authority to try and determine any civil action or suit in which the cause of such suit or action shall not exceed in value the amount of fifty pounds, and in case the cause of such suit or action shall exceed in value the amount of ten pounds it shall be competent for either party to the same to appeal from the decision of the said justice to the said supreme court.

And it is further ordered that every such justice of the peace may try any person charged with any offence not being treason or felony or with any felony which by the law of England is not punishable by death or transportation, provided that no such justice shall sentence any such person to a fine of more than fifty pounds, nor to imprisonment for more than two months. Provided also that in case any person shall be charged before any such justice with any felony which in the opinion of such justice will not be adequately punished by such fine or imprisonment as aforesaid, it shall be lawful for such justice to direct that the person so charged shall be tried before the supreme court of justice of British Columbia.

And it is ordered that all sheriffs, gaolers, constables and other officers appointed under authority of this Order in Council shall have and exercise the same powers in respect to the apprehension and committal of offenders, the recovery of penalties, and all other matters affecting the administration of justice as are exercisable by corresponding officers in England, and every justice of the peace so appointed shall have and exercise all such powers for the above purpose as would be exercisable by two justices of the peace in England.

It is hereby ordered that all powers herein conferred on the Governor of British Columbia shall be exercisable by him so long as he shall be in the said territories, as in the colony of British Columbia, or in the colony of Vancouver Island. But in case of his absence from all of the said colonies all such powers shall be exercisable by the officer administering the Government of British Columbia.

And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

CAP. XXIV.

An Act to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts.

[NOTE: *Repealed by 53 & 54 Vic., c. 27.*]

[8th June 1863.]

WHEREAS it is expedient to facilitate the Appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as the "Vice Admiralty Courts Act, 1863."

Interpretation of Terms.

2. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings hereinafter assigned to them; that is to say,

"Her Majesty" shall mean Her Majesty, Her Heirs and Successors:

"The Admiralty" shall mean the Lord High Admiral or the Commissioners for executing his Office:

"British Possession" shall mean any Colony, Plantation, Settlement, Island, or Territory being a Part of Her Majesty's Dominions, but not being within the Limits of the United Kingdom of Great Britain and Ireland, or of Her Majesty's Possessions in India:

"Governor" shall mean the Officer for the Time being lawfully administering the Government of any British Possession:

"Vice Admiralty Court" shall mean any of the existing Vice Admiralty Courts enumerated in the Schedule marked A. hereto annexed, or any Vice Admiralty Court which shall hereafter be established in any British Possession:

"Ship" shall include every Description of Vessel used in Navigation not propelled by Oars only, whether British or Foreign:

"Cause" shall include any Cause, Suit, Action, or other Proceeding instituted in any Vice Admiralty Court.

3. In any British Possession, where the Office of Vice Admiral is now or shall at any Time hereafter become vacant, the Governor of such Possession shall be ex officio Vice Admiral thereof, until a Notification is received in the Possession that a formal Appointment to that Office has been made by the Admiralty in the Manner hereinafter mentioned.

Appointment of Vice Admiral.

4. In any British Possession, where the Office of Judge of a Vice Admiralty Court is now or shall at any Time hereafter become vacant, the Chief Justice, or the principal Judicial Officer of such Possession, or the Person for the Time being lawfully authorized to act as such, shall be ex officio Judge of the Vice Admiralty Court, until a Notification is received in the Possession that a formal Appointment to that Office has been made by the Admiralty in the Manner hereinafter mentioned.

Appointment of Judge.

5. In any British Possession, where the Office of Registrar or Marshal of any Vice Admiralty Court is now or shall at any Time hereafter become vacant, the Judge of the Court may, with the Approval of the Governor, appoint some Person to the vacant Office, until a Notification is received in the Possession that a formal Appointment thereto has been made by the Admiralty in the Manner herein-after mentioned, and may, for good and reasonable Cause, to be approved by the Governor, remove the Person so appointed. The Judge may also appoint some Person to act as Registrar or Marshal during the temporary Absence of either of those Officers.

Appointment of Registrar and Marshal.

6. On any Vacancy in the Office of Judge, Registrar, or Marshal of any Vice Admiralty Court, the Governor of the British Possession in which the Court is established shall, as soon as is practicable, communicate to One of Her Majesty's Principal Secretaries of State the Fact of the Vacancy, and the Name of the Person succeeding or appointed to the vacant Office.

Names of Appointees, &c. to be notified to the Home Government.

7. Nothing in this Act contained shall be taken to affect the Power of the Admiralty to appoint any Vice Admiral, or any Judge, Registrar, Marshal, or other Officer of any Vice Admiralty Court, as hereintofore, by Warrant from the Admiralty, and by Letters Patent issued under Seal of the High Court of Admiralty of England.

Saving the Powers of the Admiralty.

8. No Act done by any Person in the Capacity of Judge, Registrar, or Marshal of any Vice Admiralty Court, which shall not have been set aside by any competent Authority before the passing of this Act, shall be held invalid by reason that such Person had not been duly appointed, but all such Acts shall be as valid and effectual as if done by a Person duly appointed.

Past Proceedings confirmed.

Protection of
Officers.

9. No Action, Prosecution, or other Proceeding shall be brought against any such Person by reason of the Illegality or Informality of any Act hereby declared to be valid and effectual.

Jurisdiction of Vice
Admiralty Courts.

10. The Matters in respect of which the Vice Admiralty Courts shall have Jurisdiction are as follow:

- (1.) Claims for Seamen's Wages:
- (2.) Claims for Master's Wages, and for his Disbursements on account of the Ship:
- (3.) Claims in respect of Pilotage:
- (4.) Claims in respect of Salvage of any Ship, or of Life or Goods therefrom:
- (5.) Claims in respect of Towage:
- (6.) Claims for Damage done by any Ship:
- (7.) Claims in respect of Bottomry or Respondentia Bonds:
- (8.) Claims in respect of any Mortgage where the Ship has been sold by a Decree of the Vice Admiralty Court, and the Proceeds are under its Control:
- (9.) Claims between the Owners of any Ship registered in the Possession, in which the Court is established, touching the Ownership, Possession, Employment, or Earnings of such Ship:
- (10.) Claims for Necessaries supplied, in the Possession in which the Court is established, to any Ship of which no Owner or Part Owner is domiciled within the Possession at the Time of the Necessaries being supplied:
- (11.) Claims in respect of the building, equipping, or repairing within any British Possession of any Ship of which no Owner or Part Owner is domiciled within the Possession at the Time of the Work being done.

Jurisdiction of Vice
Admiralty Courts.

11. The Vice Admiralty Courts shall also have Jurisdiction—

- (1.) In all Cases of Breach of the Regulations and Instructions relating to Her Majesty's Navy at Sea:
- (2.) In all Matters arising out of Droits of Admiralty.

Nothing to restrict
existing Jurisdiction.

12. Nothing contained in this Act shall be construed to take away or restrict the Jurisdiction conferred upon any Vice Admiralty Court by any Act of Parliament in respect of Seizures for Breach of the Revenue, Customs, Trade, or Navigation Laws, or of the Laws relating to the Abolition of the Slave Trade, or to the Capture and Destruction of Pirates and Piratical Vessels, or any other Jurisdiction now lawfully exercised by any such Court; or any Jurisdiction now lawfully exercised by any other Court within Her Majesty's Dominions.

As to Matters arising beyond Limits
of Colony.

13. The Jurisdiction of the Vice Admiralty Courts, except where it is expressly confined by this Act to Matters arising within the

Possession in which the Court is established, may be exercised, whether the Cause or Right of Action has arisen within or beyond the Limits of such Possession.

14. Her Majesty may, by Order in Council, from Time to Time establish Rules touching the Practice to be observed in the Vice Admiralty Courts, as also Tables of the Fees to be taken by the Officers and Practitioners thereof for all Acts to be done therein, and may repeal and alter the existing and all future Rules and Tables of Fees, and establish new Rules and Tables of Fees in addition thereto, or in lieu thereof.

Her Majesty empowered to establish and alter Rules and Tables of Fees.

15. A Copy of any Rules or Tables of Fees which may at any Time be established shall be laid before the House of Commons within Three Months from the establishing thereof, or if Parliament shall not be then sitting, or if the Session shall terminate within One Month from that Date, then within One Month after the Commencement of the next Session.

Rules and Tables of Fees to be laid before the House of Commons.

16. The Rules and Tables of Fees in force in any Vice Admiralty Court shall, as soon as possible after they have been received in the British Possession in which the Court is established, be entered by the Registrar in the Public Books or Records of the Court, and the Books or Records in which they are so entered shall at all reasonable Times be open to the Inspection of the Practitioners and Suitors in the Court.

To be entered in the Records of the Courts.

17. A Copy of the Rules and Tables of Fees in force in any Vice Admiralty Court shall be kept constantly hung up in some conspicuous Place as well in the Court as in the Office of the Registrar.

To be hung up in Court, &c.

18. The Fees established for any Vice Admiralty Court shall, after the Date fixed for them to come into Operation, be the only Fees which shall be taken by the Officers and Practitioners of the Court.

Established Fees to be the only Fees taken.

19. Any Person who shall feel himself aggrieved by the Charges of any of the Practitioners in any Vice Admiralty Court, or by the Taxation thereof by the Officers of the Court, may apply to the High Court of Admiralty of England to have the Charges taxed, or the Taxation thereof revised.

Taxation may be revised by the High Court of Admiralty.

20. The Registrar of any Vice Admiralty Court shall have Power to administer Oaths in relation to any Matter depending in the Court; and any Person who shall wilfully swear falsely in any Proceeding before the Registrar, or before any other Person authorized to administer Oaths in the Court, shall be deemed guilty of Perjury, and shall be liable to all the Penalties attaching to wilful and corrupt Perjury.

Registrar may administer Oaths.

As to the Hearing
of Cross Causes.

21. If a Cause of Damage by Collision be instituted in any Vice Admiralty Court, and the Defendant institute a Cross Cause in respect of the same Collision, the Judge may, on application of either Party, direct both Causes to be heard at the same Time and on the same Evidence; and if the Ship of the Defendant in one of the Causes has been arrested, or Security given by him to answer Judgment, but the Ship of the Defendant in the other Cause cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the former Cause until Security has been given to answer Judgment in the latter Cause.

No Appeal save
from final Sentence
or Order.

22. The Appeal from a Decree or Order of a Vice Admiralty Court lies to Her Majesty in Council; but no Appeal shall be allowed, save by Permission of the Judge, from any Decree or Order not having the Force or Effect of a definitive Sentence or final Order.

Appeal to be made
within Six Months.

23. The Time for appeal from any Decree or Order of a Vice Admiralty Court shall, notwithstanding any existing Enactment to the contrary, be limited to Six Months from the Date of the Decree or Order appealed from; and no Appeal shall be allowed where the Petition of Appeal to Her Majesty shall not have been lodged in the Registry of the High Court of Admiralty and of Appeals within that Time, unless Her Majesty in Council shall, on the Report and Recommendation of the Judicial Committee of the Privy Council, be pleased to allow the Appeal to be prosecuted, notwithstanding that the Petition of Appeal has not been lodged within the Time prescribed.

Acts repealed.
Saving Rules estab-
lished under 2 & 3
W. 4. c. 51.

24. The Acts enumerated in the Schedule hereto annexed marked B. are hereby repealed, to the Extent therein mentioned, but the Repeal thereof shall not affect the Validity of any Rules, Orders, Regulations, or Tables of Fees heretofore established and now in force, in pursuance of the Act of the Second and Third William the Fourth, Chapter Fifty-one; but such Rules, Orders, Regulations, and Tables of Fees shall continue in force until repealed or altered under the Provisions of this Act.

SCHEDULE A.

List of the existing Vice Admiralty Courts to which this Act Applies.

Antigua.	Natal.
Bahamas.	Nevis.
Barbadoes.	New Brunswick.
Bermuda.	Newfoundland.
British Columbia.	New South Wales.
British Guiana.	New Zealand.
British Honduras.	Nova Scotia, otherwise Halifax.
Cape of Good Hope.	Prince Edward Island.
Ceylon.	Queensland.
Dominica.	St. Christopher.
Falkland Islands.	Saint Helena.
Gambia River.	Saint Lucia.
Gibraltar.	Saint Vincent.
Gold Coast.	Sierra Leone.
Grenada.	South Australia.
Hong Kong.	Tasmania, formerly called Van Dieman's Land.
Jamaica.	Tobago.
Labuan.	Trinidad.
Lagos.	Vancouver's Island.
Lower Canada, otherwise Quebec.	Victoria.
Malta.	Virgin Islands, otherwise Tortola.
Mauritius.	Western Australia.
Montserrat.	

At the Court at Windsor, the 11th day of June, 1863.

PRESENT:

The QUEEN'S Most Excellent Majesty,

Lord President,
Lord Privy Seal,

Earl Russell,
Mr. Milner Gibson.

WHEREAS by an Act passed in the 22nd year of the reign of Her Majesty, entitled "An Act to provide for the Government of British Columbia," it was declared lawful for Her Majesty, by Order in Council, to authorize and empower such officer as she might from time to time appoint to administer the Government of British Columbia, to make provision for the administration of justice therein, and generally to make, ordain, and establish such laws, institutions, and ordinances as might be necessary for the peace, order, and good government of Her Majesty's subjects and others therein: Provided that it should be lawful for Her Majesty,

so soon as she might deem it convenient, by any such Order in Council as aforesaid, to constitute or to authorize and empower such officer to constitute a Legislature, to make laws for the peace, order, and good government of British Columbia; such Legislature to consist of the Governor, or officer administering the Government of the Colony, and a Council, or Council and Assembly, to be composed of such and so many persons, and to be appointed or elected in such manner, and for such periods, and subject to such regulations as to Her Majesty might seem expedient:

And whereas by an Order in Council bearing date on the 2nd day of September, in the year 1858, Her Majesty was pleased to authorize such Governor, or officer as aforesaid, to make provision for the administration of justice, and, as therein mentioned, to make laws and ordinances for the peace, order, and good government of Her Majesty's subjects and others in the said Colony:

And whereas it is expedient to revoke the said Order in Council and to constitute a Legislature for the said Colony, consisting of the Governor or Officer administering the government thereof, and the Legislative Council hereinafter established.

1. It is hereby ordered by Her Majesty, by and with the advice of Her Privy Council, and in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, or otherwise in that behalf, that the said recited Order in Council shall be and the same is hereby revoked: Provided always that nothing herein contained shall be held to invalidate any Act or thing done, nor any appointment made in pursuance or under authority of the said Order in Council, but that every such Act, thing, and appointment shall remain of the same force and effect as if the said Order in Council were still in operation.

And it is hereby further ordered as follows, that is to say:—

2. In this Order in Council the term "Governor" shall mean the Officer for the time being lawfully administering the Government of the Colony of British Columbia.

3. There shall be in the said Colony a Legislative Council, constituted as hereinafter mentioned.

4. It shall be lawful for the Governor, with the advice and consent of the said Legislative Council, to make laws for the peace, order, and good government of the said Colony.

5. The said Council shall consist of such public officers within the said Colony as shall from time to time be designated, and of such persons as shall from time to time be named by or in pursuance of any instructions or warrant under the royal sign manual and signet,

and of such other persons as may be from time to time appointed by the Governor by instruments to be passed under the public seal of the said Colony: Provided that every such last mentioned appointment shall be provisional only until the same shall have been approved by Her Majesty through one of Her Principal Secretaries of State, and may be made to determine at a period named in the instrument making the same, and that the total number of Councillors shall not by any such appointment be raised above the number of fifteen: Provided also that every member of the said Council shall hold office during Her Majesty's pleasure only.

6. The precedence of the members of the said Council may be from time to time determined by any such instructions as aforesaid. In the absence of such determination, the members shall take rank according to the order of their appointments, or if appointed by the same instrument according to the order in which they are named therein.

7. The Governor, or in his absence any member of the Council appointed by him in writing, or in default of such appointment, the member present who shall stand first in order of precedence shall preside at every meeting of the said Council. All questions brought before the Council shall be decided by the majority of the votes given, and the Governor or Presiding Member shall have an original vote on all such questions, and also a casting vote if the votes shall be equally divided.

8. No business (except that of adjournment) shall be transacted unless there shall be present four members of Council besides the Governor or Presiding Member.

9. The Council shall, in the transaction of business and passing of laws, conform as nearly as may be to the directions conveyed in that behalf to the Governor of British Columbia in certain instructions under the sign manual and signet, bearing date the 2nd day of September, 1858, until otherwise provided by Us, and to such further instructions under the said sign manual and signet as may hereafter be addressed to the Governor in that behalf.

10. Subject to such instructions, the Council may make standing rules and orders for the regulation of their own proceedings.

11. No law shall take effect until the Governor shall have assented to the same on behalf of Her Majesty, and shall have signed the same in token of such assent.

12. Her Majesty may, by Order in Council or through one of Her Principal Secretaries of State, disallow any law passed by the

said Governor and Council at any time within two years after such law shall have been received by the Secretary of State, and every law so disallowed shall become null and void so soon as the disallowance thereof shall be published in the Colony by authority of the Governor.

13. If any Councillor shall become bankrupt or insolvent, or shall be convicted of any criminal offence, or shall absent himself from British Columbia for more than three months without leave from the Governor, the Governor may declare in writing that his seat at the Council is vacant, and immediately on the publication of such declaration he shall cease to be a member of the Council.

14. The Governor may, by writing under his hand and seal, suspend any Legislative Councillor from the exercise of his office, proceeding therein in such manner as may from time to time be enjoined by any such instructions as aforesaid, and until otherwise ordered according to such directions respecting the suspension of public officers, as are contained in the above mentioned instructions bearing date the 2nd day of September, 1858. And the Most Noble the Duke of Newcastle, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

CAP. LXXXIII.

An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

[28th July 1863.]

WHEREAS it is desirable to amend and continue an Act passed in the Twenty-first and Twenty-second Year of Her Majesty; Chapter Ninety-nine, intituled *An Act to provide for the Government of British Columbia*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict. c. 99.
Sect. 1. of recited
Act repealed.

1. The first Section of the aforesaid Act is repealed.

2. The remaining Sections of the said Act shall continue in force till the Thirty-first Day of December One thousand eight hundred and sixty-three, and no longer, provided that the Expiration of the said Act shall not invalidate any Order in Council or other Instrument issued under Authority of the said Act, nor any Act done or Right or Title acquired by virtue of the said Act, nor affect the Right of Appeal thereby given, nor revive any Acts or Parts of Acts of Parliament thereby repealed.

Remaining Sections
of recited Act con-
tinued.

3. British Columbia shall for the Purposes of the said Act, and for all other Purposes, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the Sixtieth Parallel of North Latitude, and to the East, from the Boundary of the United States Northwards, by the Rocky Mountains and the One hundred and twentieth Meridian of West Longitude, and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver's Island and the Islands adjacent thereto.

Boundaries of
British Columbia.

CAP. LXXXIV.

An Act to confirm certain Acts of Colonial Legislatures.

[28th July 1863.]

WHEREAS Doubts are entertained respecting the Validity of divers Acts passed by the Legislature of South Australia for the Purpose of altering the Constitution of the Legislative Council and House of Assembly of the said Colony, and respecting the Power of Colonial Legislatures to make Laws for the above Purpose; and it is expedient to remove such Doubts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. In this Act of Parliament the Term "Colonial Legislature" shall mean the Authority (other than Her Majesty in Council) competent to make Laws for any of Her Majesty's Possessions abroad, except India, the Channel Islands, and the Isle of Man:

As to Terms
"Colonial Legisla-
ture" and "Gover-
nor."

The Term "Governor" shall mean the Officer lawfully administering the Government of any Colony.

Confirmation of
certain Acts of
Colonial Legisla-
tures.

2. All Laws heretofore passed or purporting to have been passed by any Colonial Legislature with the Object of declaring or altering the Constitution of such Legislature, or of any Branch thereof, or the Mode of appointing or electing the Members of the same, shall have and be deemed to have had, from the Date at which the same shall have received the Assent of Her Majesty or of the Governor of the Colony on Behalf of Her Majesty, the same Force and Effect for all Purposes whatever as if the said Legislature had possessed full Powers of enacting Laws for the Objects aforesaid, and as if all Formalities and Conditions by Act of Parliament or otherwise prescribed in respect of the passing of such Laws had been duly observed.

CAP. LXIII.

An Act to remove Doubts as to the Validity of Colonial Laws.

[29th June 1865.]

WHEREAS Doubts have been entertained respecting the validity of divers Laws enacted or purporting to have been enacted by the Legislatures of certain of Her Majesty's Colonies, and respecting the Powers of such Legislatures, and it is expedient that such Doubts should be removed:

Be it hereby enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Definitions:
"Colony":

1. The Term "Colony" shall in this Act include all of Her Majesty's Possessions abroad in which there shall exist a Legislature, as hereinafter defined, except the Channel Islands, the Isle of Man, and such Territories as may for the Time being be vested in Her Majesty under or by virtue of any Act of Parliament for the Government of India:

"Legislature,"
"Colonial Legisla-
ture":

The Terms "Legislature" and "Colonial Legislature" shall severally signify the Authority, other than the Imperial Parliament or Her Majesty in Council, competent to make Laws for any Colony:

"Representative
Legislature":

The Term "Representative Legislature" shall signify any Colonial Legislature which shall comprise a Legislative Body of which One Half are elected by Inhabitants of the Colony:

The Term "Colonial Law" shall include Laws made for any "Colonial Law": Colony either by such Legislature as aforesaid or by Her Majesty in Council:

An Act of Parliament, or any Provision thereof, shall, in construing this Act, be said to extend to any Colony when it is made applicable to such Colony by the express Words or necessary Intendment of any Act of Parliament:

Act of Parliament, &c. to extend to Colony when made applicable to such Colony:

The Term "Governor" shall mean the Officer lawfully administering the Government of any Colony:

"Governor":

The Term "Letters Patent" shall mean Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland.

"Letters Patent."

2. Any Colonial Law which is or shall be in any respect repugnant to the Provisions of any Act of Parliament extending to the Colony to which such Law may relate, or repugnant to any Order or Regulation made under Authority of such Act of Parliament, or having in the Colony the Force and Effect of such Act, shall be read subject to such Act, Order, or Regulation, and shall, to the Extent of such Repugnancy, but not otherwise, be and remain absolutely void and inoperative.

Colonial Law when void for Repugnancy.

3. No Colonial Law shall be or be deemed to have been void or inoperative on the Ground of Repugnancy to the Law of England, unless the same shall be repugnant to the Provisions of some such Act of Parliament, Order, or Regulation as aforesaid.

Colonial Law when not void for Repugnancy.

4. No Colonial Law, passed with the Concurrence of or assented to by the Governor of any Colony, or to be hereafter so passed or assented to, shall be or be deemed to have been void or inoperative by reason only of any Instructions with reference to such Law or the Subject thereof which may have been given to such Governor by or on behalf of Her Majesty, by any Instrument other than the Letters Patent or Instrument authorizing such Governor to concur in passing or to assent to Laws for the Peace, Order, and good Government of such Colony, even though such Instructions may be referred to in such Letters Patent or last-mentioned Instrument.

Colonial Law not void for Inconsistency with Instructions.

5. Every Colonial Legislature shall have, and be deemed at all Times to have had, full Power within its Jurisdiction to establish Courts of Judicature, and to abolish and reconstitute the same, and to alter the Constitution thereof, and to make Provision for the Administration of Justice therein; and every Representative Legislature shall, in respect to the Colony under its Jurisdiction, have and be deemed at all Times to have had, full Power to make Laws respecting the Constitution, Powers, and Procedure of such Legislature; provided that such Laws shall have been passed in such Manner and Form as may from Time to Time be required by any Act of Parliament, Letters Patent, Order in Council, or Colonial Law, for the Time being in force in the said Colony.

Colonial Legislature may establish, &c. Courts of Law.

Representative Legislature may alter Constitution.

Certified Copies of
Laws to be Evi-
dence that they are
properly passed.

Proclamation to be
Evidence of Assent
and Disallowance.

Certain Acts
enacted by Legisla-
ture of South
Australia to be
valid.

6. The Certificate of the Clerk or other proper Officer of a Legislative Body in any Colony to the Effect that the Document to which it is attached is a true Copy of any Colonial Law assented to by the Governor of such Colony, or of any Bill reserved for the Signification of Her Majesty's Pleasure by the said Governor, shall be prima facie Evidence that the Document so certified is a true Copy of such Law or Bill, and, as the Case may be, that such Law has been duly and properly passed and assented to, or that such Bill has been duly and properly passed and presented to the Governor; and any Proclamation purporting to be published by Authority of the Governor in any Newspaper in the Colony to which such Law or Bill shall relate, and signifying Her Majesty's Disallowance of any such Colonial Law, or Her Majesty's Assent to any such reserved Bill as aforesaid, shall be prima facie Evidence of such Disallowance or Assent.

And whereas Doubts are entertained respecting the Validity of certain Acts enacted or reputed to be enacted by the Legislature of South Australia: Be it further enacted as follows:

7. All Laws or reputed Laws enacted or purporting to have been enacted by the said Legislature, or by Persons or Bodies of Persons for the Time being acting as such Legislature, which have received the Assent of Her Majesty in Council, or which have received the Assent of the Governor of the said Colony in the Name and on behalf of Her Majesty, shall be and be deemed to have been valid and effectual from the Date of such Assent for all Purposes whatever; provided that nothing herein contained shall be deemed to give Effect to any Law or reputed Law which has been disallowed by Her Majesty, or has expired, or has been lawfully repealed, or to prevent the lawful Disallowance or Repeal of any Law.

CAP. LXIV.

An Act to remove Doubts respecting the Validity of certain Marriages contracted in Her Majesty's Possessions abroad.

[29th June 1865.]

WHEREAS Laws have from Time to Time been made by the Legislatures of divers of Her Majesty's Possessions abroad for the Purpose of establishing the Validity of certain Marriages previously contracted therein, but Doubts are entertained whether

such Laws are in all respects effectual for the aforesaid Purpose beyond the Limits of such Possessions: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

1. Every Law made or to be made by the Legislature of any such Possession as aforesaid for the Purpose of establishing the Validity of any Marriage or Marriages contracted in such Possession shall have and be deemed to have had from the Date of the making of such Law the same Force and Effect for the Purpose aforesaid within all Parts of Her Majesty's Dominions as such Law may have had or may hereafter have within the Possession for which the same was made: Provided that nothing in this Law contained shall give any Effect or Validity to any Marriage unless at the Time of such Marriage both of the Parties thereto were, according to the Law of England, competent to contract the same.

Colonial Laws establishing Validity of Marriages to have Effect throughout Her Majesty's Dominions.

Not to give effect to Marriages unless Parties are competent to contract Marriage.

2. In this Act the Word "Legislature" shall include any Authority competent to make Laws for any of Her Majesty's Possessions abroad, except the Parliament of the United Kingdom and Her Majesty in Council.

Definition of "Legislature."

CAP. LXVII.

An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia.

[6th August 1866.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as The British Columbia Act, 1866.

Short Title.

2. In this Act the Term "Governor" means any Officer for the Time being lawfully administering the Government.

3. From and immediately after the Proclamation of this Act by the Governor of British Columbia, the Colony of Vancouver Island

On Proclamation of this Act in British Columbia, Vancouver Island united therewith.

shall be and the same is hereby united with the Colony of British Columbia, and thenceforth those Two Colonies shall form and be One Colony, with the Name of British Columbia (which Union is in this Act referred to as the Union).

As to Government
of the United
Colony.

4. On the Union taking effect, the Form of Government existing in Vancouver Island as a separate Colony shall cease, and the Power and Authority of the Executive Government and of the Legislature existing in British Columbia shall extend to and over Vancouver Island; but in order that Provision may be made for the Representation of Vancouver Island in the Legislature of British Columbia after the Union. the maximum Number of Councillors in the Legislative Council of British Columbia after the Union shall, until it is otherwise provided by lawful Authority, be Twenty-three instead of Fifteen.

Laws of the separ-
ate Colonies to
continue except as
to Revenue of
Customs.

5. After and notwithstanding the Union the Laws in force in the separate Colonies of British Columbia and Vancouver Island respectively at the Time of the Union taking effect shall, until it is otherwise provided by lawful Authority, remain in force as if this Act had not been passed or proclaimed; save only that the Laws relative to the Revenue of Customs in force in British Columbia at the Time of the Union taking effect shall, until it is otherwise provided by lawful authority, extend and apply to Vancouver Island; and, until it is otherwise provided by lawful Authority, the Governor of British Columbia shall have, in relation to the Territory for the Time being under his Government, all the Powers and Authorities for the Time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Customs, with respect to the Appointment of Warehousing Ports, and the Approval and Appointment of Warehouses or Places of Security in such Ports, and everything consequent thereon or relative thereto.

Nothing to restrict
Authority of Gover-
nor, &c.

6. Nothing in this Act shall take away or restrict the Authority of the Governor of British Columbia, with the Advice and Consent of the Legislative Council thereof, to make Laws for the Peace, Order, and good Government of British Columbia either before or after the Union; nor shall anything in this Act interfere with the Exercise of any Power that would have been exerciseable by Her Majesty in Council if this Act had not been passed.

Boundaries of
British Columbia
until Union.

7. Until the Union British Columbia shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of America, to the West by the Pacific Ocean and the Frontier of the Russian Territories in North America, to the North by the Sixtieth Parallel

of North Latitude, and to the East from the Boundary of the United States Northwards by the Rocky Mountains and the One hundred and twentieth Meridian of West Longitude; and shall include Queen Charlotte's Island and all other Islands adjacent to the said Territories, except Vancouver Island and the Islands adjacent thereto.

8. After the Union British Columbia shall comprise all the Territories and Islands aforesaid and Vancouver Island and the Islands adjacent thereto. Boundaries of British Columbia after Union.

9. The Acts described in the Schedule to this Act are hereby repealed; but this Repeal shall not invalidate any Order in Council or other Instrument issued under the Authority of those Acts or either of them, or any Act done or Right or Title acquired by virtue of those Acts or of either of them or of any such Order or Instrument. Acts in Schedule, repealed.

SCHEDULE.

Acts repealed.

21 & 22 Vict. c. 99..	An Act to provide for the Government of British Columbia.
26 & 27 Vict. c. 83...	An Act to define the Boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony.

Proclamation by His Excellency Frederick Seymour,
Governor and Commander-in-Chief of Her Majesty's
Colony of British Columbia and its Dependencies,
Vice-Admiral of the same, &c., &c., &c.

[17th November, 1866.]

WHEREAS by an Act of Parliament made and passed in the session of the Imperial Parliament holden in the 29th and 30th years of the reign of Her Majesty Queen Victoria, chapter 67, intituled "An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia", it was, among other things,

enacted that from and immediately after the Proclamation of the above-mentioned Act of Parliament by the Governor of British Columbia, the Colony of Vancouver Island should be united with the Colony of British Columbia and form one Colony, in manner in such Act mentioned:

Now, therefore, I, Frederick Seymour, Governor of the said Colony of British Columbia, do hereby proclaim and publish the said Act for the guidance of Her Majesty's subjects and all others whom it may concern, as follows:—

“CAP. LXVII.

“An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia.

“ [6th August, 1866.]

“**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short Title.

“1. This Act may be cited as the ‘British Columbia Act, 1866.’

“Governor.”

“2. In this Act the term ‘Governor’ means any officer for the time being lawfully administering the Government.

On proclamation of this Act in British Columbia, Vancouver Island united therewith.

“3. From and immediately after the proclamation of this Act by the Governor of British Columbia, the Colony of Vancouver Island shall be and the same is hereby united with the Colony of British Columbia, and thenceforth those two Colonies shall form and be one Colony, with the name of British Columbia (which union is in this Act referred to as the union).

As to Government of united Colony.

“4. On the union taking effect, the form of Government existing in Vancouver Island as a separate Colony shall cease, and the power and authority of the Executive Government and of the Legislature existing in British Columbia shall extend to and over Vancouver Island; but in order that provision may be made for the representation of Vancouver Island in the Legislature of British Columbia after the union the maximum number of Councillors in the Legislative Council of British Columbia after the union shall, until it is otherwise provided by lawful authority, be twenty-three instead of fifteen.

Laws of the separate Colonies to continue except as to Revenue of Customs.

“5. After and notwithstanding the union the laws in force in the separate Colonies of British Columbia and Vancouver Island respectively at the time of the union taking effect shall, until it is otherwise provided by lawful authority, remain in force as if this Act had not been passed or proclaimed; save only that the laws relative to the Revenue of Customs in force in British Columbia at the time of the union taking effect shall, until it is otherwise provided by lawful authority, extend and apply to Vancouver Island; and, until it is otherwise provided by lawful authority, the Governor of British Columbia shall have, in relation to the territory for the time being under his Government, all the powers and authorities for the time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Customs, with respect to the appointment

of warehousing ports, and the approval and appointment of warehouses or places of security in such ports, and everything consequent thereon or relative thereto.

"6. Nothing in this Act shall take away or restrict the authority of the Governor of British Columbia, with the advice and consent of the Legislative Council thereof, to make laws for the peace, order, and good government of British Columbia, either before or after the union; nor shall anything in this Act interfere with the exercise of any power that would have been exercisable by Her Majesty in Council if this Act had not passed.

Nothing to restrict authority of Governor, &c.

"7. Until the union British Columbia shall comprise all such territories within the dominions of Her Majesty as are bounded to the south by the territories of the United States of America, to the west by the Pacific Ocean and the frontier of the Russian territories in North America, to the north by the sixtieth parallel of north latitude, and to the east from the boundary of the United States northwards by the Rocky Mountains and the one hundred and twentieth meridian of west longitude, and shall include Queen Charlotte's Island and all other islands adjacent to the said territories, except Vancouver Island and the islands adjacent thereto.

Boundaries of British Columbia until union.

"8. After the union British Columbia shall comprise all the territories and islands aforesaid and Vancouver Island and the islands adjacent thereto.

Boundaries of British Columbia after union.

"9. The Acts described in the Schedule to this Act are hereby repealed; but this repeal shall not invalidate any Order in Council or other instrument issued under the authority of those Acts or either of them, or any act done or right or title acquired by virtue of those Acts or either of them or of any such order or instrument.

Acts in Schedule repealed.

" SCHEDULE.

" *Acts repealed.*

"21 & 22 Vict. c. 99. An Act to provide for the Government of British Columbia.

"26 & 27 Vict. c. 83. An Act to define the boundaries of the Colony of British Columbia, and to continue an Act to provide for the Government of the said Colony."

And I, the said Frederick Seymour, as such Governor as aforesaid, do hereby further proclaim and publish that the Colony of Vancouver Island shall, from the proclamation hereof, be and the same is hereby united with the Colony of British Columbia, and the said two Colonies shall, from the proclamation hereof, form and be one Colony, with the name of British Columbia.

And I, the said Governor, do hereby further proclaim and publish that, notwithstanding the union aforesaid, the laws in force at the proclamation hereof in the separate Colonies of British Columbia and Vancouver Island respectively, until it is otherwise provided by lawful authority, shall remain in force as if the said Act had not been passed or proclaimed; save only that the laws relating to the Revenue of Customs in force in British Columbia at the proclamation hereof shall, until otherwise provided by lawful authority,

extend and apply to Vancouver Island; and until it is otherwise provided by lawful authority the Governor of British Columbia shall have, in relation to the territory for the time being under his Government, all the powers and authorities for the time being vested, in relation to the United Kingdom, in the Commissioners of Her Majesty's Treasury or in the Commissioners of Her Majesty's Customs, with respect to the appointment of warehousing ports, and the approval and appointment of warehouses or places of security in such ports, and everything consequent thereon or relative thereto.

And I, the said Governor, do hereby further proclaim and publish that all and singular other the clauses and provisions of the said Act shall take full effect in the said Colonies and dependencies so united as aforesaid, under the name of British Columbia, as and from the proclamation thereof.

This Proclamation may be cited as the "Union Proclamation, 1866."

THIS INDENTURE made this third day of April, one thousand eight hundred and sixty-seven, between the Governor and Company of Adventurers of England, trading into Hudson's Bay, (who with their successors are hereinafter called "the said Company") of the one part, and Her most Gracious Majesty Queen Victoria of the other part.

Whereas previous to January, one thousand eight hundred and forty-nine, the said Company had occupied certain portions of land in Vancouver Island for the purposes of carrying on their trading and commercial operations, under a Royal Charter of Incorporation granted to them by His late Majesty King Charles the second and dated the second day of May, in the twenty-second year of His reign.

And whereas by a Royal License bearing date the thirteenth day of May, one thousand eight hundred and thirty-eight, the said Company were invested for the full period of twenty-one years from the date thereof, with the sole and exclusive privilege of trading with the Indians in such part of North America to the northward and westward of the territories of the United States as did not form part of any of Her said Majesty's provinces in North America, or of any territories belonging to the United States or to any European Government, State or Power, subject nevertheless as therein mentioned:

And whereas by letters patent dated the thirteenth day of January, one thousand eight hundred and forty-nine, Her said Majesty was leased to grant unto the said Company and their successors the

said Vancouver Island, together with all royalties of the seas upon the coasts within the limits therein mentioned, and all mines royal thereto belonging, to be holden of Her said Majesty, Her heirs and successors, in free and common socage, at the yearly rent of seven shillings, and upon the condition and for the purpose of colonizing the said Island as therein mentioned, and in the said letters patent Her said Majesty reserved to Herself and Her successors full power, at the expiration of the said Company's hereinbefore recited license, for the exclusive privilege of trading with the Indians, to repurchase and take from the said Company the said Vancouver Island and premises thereby granted, on payment by Her said Majesty to the said Company, of the sum or sums of money theretofore laid out and expended by them in and upon the said Island and premises and of the value of their establishments, property and effects then being thereon:

And whereas after the said hereinbefore recited license of the thirteenth day of May, one thousand eight hundred and thirty-eight, had come to an end, it seemed fit to Her said Majesty to exercise the power reserved to Her in the said letters patent of repurchasing the said Vancouver Island, whereupon an investigation of accounts and a negotiation with the said Company took place, and finally the said Company agreed to accept the sum of fifty-seven thousand five hundred pounds in full discharge of all their claims in respect of the said Island under the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine:

And whereas the said sum of fifty-seven thousand five hundred pounds hath accordingly been paid to the said Company by or on behalf of Her Majesty, in two instalments of twenty-five thousand pounds and thirty-two thousand five hundred pounds, on the twenty-ninth day of June, one thousand eight hundred and sixty, and the sixth day of October, one thousand eight hundred and sixty-two, as the said Company do hereby admit and acknowledge:

And whereas the said Company have agreed to reconvey to Her said Majesty, Her heirs and successors, the said Vancouver Island and premises, except such portions thereof as may have been sold by the said Company previous to the first day of January, one thousand eight hundred and sixty-two, and except also such other portions thereof as are hereinafter mentioned, which last mentioned portions are, with the assent of Her said Majesty to remain the property of the said Company and their successors:

Now this Indenture witnesseth that in pursuance of such agreement and in consideration of the sum of fifty-seven thousand five hundred pounds so paid by or on behalf of Her said Majesty to the said Company as aforesaid, in full discharge of all the claims of the said Company in respect of all sums expended by them in and upon the said Vancouver Island and premises, and of the value of their establishments, property and effects now being thereon,

and of all other their claims under the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine in respect of the said Island, they, the said Company, do for themselves and their successors by these presents grant, convey, yield up and surrender unto Her said Majesty, Her heirs and successors, all that the said Island called Vancouver Island, together with all royalties of the seas upon the coasts thereof, and all mines royal, and all rights, members and appurtenances whatsoever to the said Island and hereditaments belonging, and which were conveyed or passed to and are now vested in the said Company, under or by virtue of the said hereinbefore recited letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine, or otherwise howsoever, and also the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine: And all the estate, right, title, interest and property whatsoever of the said Company in, to and out of the same premises, except and always reserved out of the grant and surrender hereby made as follows, that is to say:—

1. Certain pieces or parcels of land in the town of Victoria, containing in the whole twenty-two acres and forty-one hundredth parts of an acre and known as the Church Reserve, which lands have lately been conveyed by the said Company to Trustees for certain ecclesiastical and scholastic purposes: And also all land situate in the Victoria district which may have been sold by the said Company previous to the first day of January, one thousand eight hundred and sixty-two, together with the water frontages and spaces between high and low water mark, abutting on any portions of such lands, provided such water frontages and spaces were also sold by the said Company before the first day of January, one thousand eight hundred and sixty-two, but not otherwise.

2. The farm known as the Uplands Farm, containing about one thousand one hundred and forty-four acres, and being section thirty-one on the colonial official plan of the said Victoria district.

3. The farm known as the North Dairy Farm, containing about four hundred and sixty acres, being section thirty-two on the said official plan.

4. The Old Spring and adjoining land (except one well set apart and appropriated to public use,) and marked 68, 69, 70, 71, 72, $\frac{73}{2075}$ in section eighteen of the plan of the town of Victoria heretofore delivered to the Colonial Government by the said Company.

5. All that portion of land in the said Victoria district heretofore known as the Fort Property, including the site of the fort and the adjoining land yet unsold, with the water frontage and foreshore immediately in front of the fort, but not including the several lots marked respectively H, harbour Master's lot, No. 15, block 70, situated at the foot of Broughton Street; V, police barracks, and numbers 1603, 1605, and 1607, post office, coloured green, on the said

last mentioned plan, on which lots the harbour master's office, the police barracks and the post office are respectively situated, and which lots are hereby (among other things) granted and conveyed to Her said Majesty and Her successors.

6. Eight lots or parcels of land numbered on the said last mentioned plan 3, 4, 5, 8, 10, 14, 17, and 20, containing in the whole fifty acres, more or less, recently selected by the said Company out of a certain farm lying to the south and west of James Bay, and heretofore known as "Beckley" or "Dutnell's" Farm, all which said excepted lands (save the lands comprised under the said first head of exceptions) are and are to remain the absolute property of the said Company and their successors, free and discharged from any rent, trusts or conditions contained in the said letters patent of the thirteenth day of January, one thousand eight hundred and forty-nine, and as regards the lands comprised under the foregoing heads of exceptions numbered 4, 5, and 6 are coloured pink and marked on the several blocks and lots into which the same are divided with the letters H.B.C. on the map or plan thereof hereunto annexed, to have and to hold the said Vancouver Island and all and singular other the hereditaments and premises hereinbefore granted, conveyed and surrendered or intended so to be, with their appurtenances (except as aforesaid) unto Her said Majesty, Her heirs and successors, as of Her former estate and dominion therein, freed and absolutely discharged from any title, rights or claims of the said Company and their successors.

And the said Company do hereby for themselves and their successors, covenant with Her said Majesty, Her heirs and successors, in manner following, that is to say, that they, the said Company, have not at any time heretofore made, done, committed, or executed, or willingly suffered any act, deed, matter, or thing whatsoever, whereby the said hereditaments and premises hereby granted, conveyed, and surrendered, or intended so to be, or any part thereof, are or is in anywise charged, affected, or encumbered, or by reason whereof the said Company are in anywise prevented from granting the said hereditaments and premises in manner aforesaid.

And further, that they, the said Company, and their successors, will at any time or times hereafter, upon the request and at the cost of Her said Majesty, Her heirs and successors, make, do, and execute, or cause to be made, done, and executed, all such further and other lawful acts, deeds, and assurances for more perfectly and absolutely conveying the said Island, hereditaments, and premises, with their appurtenances (except as aforesaid), unto Her said Majesty, her heirs and successors, as Her said Majesty or Her successors shall require.

In witness whereof, the said Governor and Company of Adventurers of England trading into Hudson's Bay have caused

their corporate seal to be hereunto affixed, and Thomas William Clinton Murdoch and Stephen Walcott, Esquires, Her Majesty's Emigration Commissioners, have hereunto set their hands and seals on behalf of Her Majesty, the day and year first above written.

By order of the Governor, Deputy Governor, and Committee of the said Company.

(Signed) W. G. SMITH,
Secretary.

(Signed) T. W. C. MURDOCH, [L.S.]
S. WALCOTT. [L.S.]

The corporate seal of the within named Company was hereunto affixed in the presence of

(Signed) W. ARMIT,
of Hudson's Bay House, London, Gentleman.

Signed, sealed and delivered by the within named Thomas William Clinton Murdoch and Stephen Walcott, as such Emigration Commissioners as within mentioned, in the presence of

(Signed) CHRISTOPHER SIMNER CARTWRIGHT,
Clerk at the Government Emigration Board.

8 Park Street, Westminster.

CAP. CV.

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and for admitting the same into the Dominion of Canada.

[31st July, 1868.]

Recital of Charter
of Hudson's Bay
Company, 22 Car. 2.

WHEREAS by certain Letters Patent granted by His late Majesty King Charles the Second in the Twenty-second Year of his Reign certain Persons therein named were incorporated by the Name of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and certain Lands and Territories, Rights of Government, and other Rights, Privileges, Liberties,

Franchises, Powers, and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty's Dominions in North America:

And whereas by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-western Territory, or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the Provisions of the said Act:

And whereas for the Purpose of carrying into effect the Provisions of the said British North America Act, 1867, and of admitting Rupert's Land into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Majesty, Her Heirs and Successors, upon such Terms and Conditions as may be agreed upon by and between Her Majesty and the said Governor and Company as herein-after mentioned:

Recital of Agreement of Surrender.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "Rupert's Land Act, 1868."

Short Title.

2. For the Purposes of this Act the Term "Rupert's Land" shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.

Definition of "Rupert's Land."

3. It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty, from both Houses of the Parliament of Canada in pursuance of the One hundred and Forty-sixth Section of the British North America Act, 1867; and

Power to Her Majesty to accept Surrender of Lands, &c. of the Company upon certain Terms.

that the said Surrender and Acceptance thereof shall be null and void unless within a Month from the Date of such Acceptance Her Majesty does by Order in Council under the Provisions of the said last-recited Act admit Rupert's Land into the said Dominion; provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

Extinguishment of
all Rights of the
Company.

4. Upon the Acceptance of Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers, and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere Trade and Commerce.

Power to Her
Majesty by Order in
Council to admit
Rupert's Land into
and form Part of
the Dominion of
Canada.

5. It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on Address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a Date to be therein mentioned, be admitted into and become Part of the Dominion of Canada; and thereupon it shall be lawful for the Parliament of Canada from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein: Provided that, until otherwise enacted by the said Parliament of Canada, all the Powers, Authorities, and Jurisdiction of the several Courts of Justice now established in Rupert's Land, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full Force and Effect therein.

Jurisdiction of
present Courts and
Officers continued.

[*Repealed.* S.L.R. 1893.]

CAP. LII.

An Act for amending the Law relating to the Extradition of Criminals.

[9th August 1870.]

WHEREAS it is expedient to amend the law relating to the surrender to foreign states of persons accused or convicted of the commission of certain crimes within the jurisdiction of such states, and to the trial of criminals surrendered by foreign states to this country:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Extradition Act, 1870."

Short title.

2. Where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that this Act shall apply in the case of such foreign state.

Where arrangement for surrender of criminals made, Order in Council to apply Act.

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:

Restrictions on surrender of criminals.

- (1.) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove to the satisfaction of the police magistrate or the court before whom he is brought on habeas corpus, or to the Secretary of State, that the

requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character:

- (2.) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded:
- (3.) A fugitive criminal who has been accused of some offence within English jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise:
- (4.) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

Provisions of arrangement for surrender.

4. An Order in Council for applying this Act in the case of any foreign state shall not be made unless the arrangement—

- (1.) Provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and,
- (2.) Is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

Publication and effect of order.

5. When an order applying this Act in the case of any foreign state has been published in the London Gazette, this Act (after the date specified in the order, or if no date is specified, after the date of the publication,) shall, so long as the order remains in force, but subject to the limitations, restrictions, conditions, exceptions, and qualifications, if any, contained in the order, apply in the case of such foreign state. An Order in Council shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of this Act, and that this Act applies in the case of the foreign state mentioned in the order, and the validity of such order shall not be questioned in any legal proceedings whatever.

Liability of criminal to surrender.

6. Where this Act applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of Her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be), shall be liable

to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any court of Her Majesty's dominions over that crime.

7. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the United Kingdom, shall be made to a Secretary of State by some person recognized by the Secretary of State as a diplomatic representative of that foreign state. A Secretary of State may, by order under his hand and seal, signify to a police magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

Order of Secretary of State for issue of warrant in United Kingdom if crime is not of a political character.

If the Secretary of State is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

8. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—

Issue of warrant by police magistrate, justice, &c.

(1.) By a police magistrate on the receipt of the said order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England; and

(2.) By a police magistrate or any justice of the peace in any part of the United Kingdom, on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from a Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to a Secretary of State, who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

A fugitive criminal, when apprehended on a warrant issued without the order of a Secretary of State, shall be brought before some person having power to issue a warrant under this section, who shall by warrant order him to be brought and the prisoner shall accordingly be brought before a police magistrate.

A fugitive criminal apprehended on a warrant issued without the order of a Secretary of State shall be discharged by the police magistrate, unless the police magistrate, within such reasonable

time as, with reference to the circumstances of the case, he may fix, receives from a Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.

Hearing of case and evidence of political character of crime.

9. When a fugitive criminal is brought before the police magistrate, the police magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in England.

The police magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

Committal or discharge of prisoner.

10. In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorising the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, prove that the prisoner was convicted of such crime, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the Middlesex House of Detention, or to some other prison in Middlesex, there to await the warrant of a Secretary of State for his surrender, and shall forthwith send to a Secretary of State a certificate of the committal, and such report upon the case as he may think fit.

Surrender of fugitive to foreign state by warrant of Secretary of State.

11. If the police magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of Habeas corpus.

Upon the expiration of the said fifteen days, or, if a writ of Habeas corpus is issued, after the decision of the court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by a Secretary of State, it shall be lawful for a Secretary of State, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the foreign

state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorized as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

12. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the United Kingdom within two months after such committal, or, if a writ of Habeas corpus is issued, after the decision of the court upon the return to the writ, it shall be lawful for any judge of one of Her Majesty's Superior Courts at Westminster, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to a Secretary of State, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

Discharge of persons apprehended if not conveyed out of United Kingdom within two months.

13. The warrant of the police magistrate issued in pursuance of this Act may be executed in any part of the United Kingdom in the same manner as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same is executed.

Execution of warrant of police magistrate.

14. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Act.

Depositions to be evidence. 6 & 7 Vict. c. 76.

15. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Act if authenticated in manner provided for the time being by law or authenticated as follows:

Authentication of depositions and warrants. 29 & 30 Vict. c. 121.

- (1.) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued;
- (2.) If the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and,

- (3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the minister of justice, or some other minister of state: And all courts of justice, justices, and magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Crimes committed at Sea.

Jurisdiction as to crimes committed at sea.

16. Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the United Kingdom, the following provisions shall have effect:

- (1.) This Act shall be construed as if any stipendiary magistrate in England or Ireland, and any sheriff or sheriff substitute in Scotland, were substituted for the police magistrate throughout this Act, except the part relating to the execution of the warrant of the police magistrate:
- (2.) The criminal may be committed to any prison to which the person committing him has power to commit persons accused of the like crime:
- (3.) If the fugitive criminal is apprehended on a warrant issued without the order of a Secretary of State, he shall be brought before the stipendiary magistrate, sheriff, or sheriff substitute who issued the warrant, or who has jurisdiction in the port where the vessel lies, or in the place nearest to that port.

Fugitive Criminals in British Possessions.

Proceedings as to fugitive criminals in British possessions.

17. This Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession in the same manner as if throughout this Act the British possession were substituted for the United Kingdom or England, as the case may require, but with the following modifications; namely,

- (1.) The requisition for the surrender of a fugitive criminal who is in or suspected of being in a British possession may be made to the Governor of that British possession by any person recognised by that Governor as a consul general, consul, or vice-consul, or (if the fugitive criminal has escaped from a colony or dependency of the foreign state on behalf of which the requisition is made) as the governor of such colony or dependency:

- (2.) No warrant of a Secretary of State shall be required, and all powers vested in or acts authorised or required to be done under this Act by the police magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the governor of the British possession alone:
- (3.) Any prison in the British possession may be substituted for a prison in Middlesex:
- (4.) A judge of any court exercising in the British possession the like powers as the Court of Queen's Bench exercises in England may exercise the power of discharging a criminal when not conveyed within two months out of such British possession:

18. If by any law or ordinance, made before or after the passing of this Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying this Act in the case of any foreign state, or by any subsequent order, either

Saving of laws of British possessions.

Suspend the operation within any such British possession of this Act, or of any part thereof, so far as it relates to such foreign state, and so long as such law or ordinance continues in force there, and no longer;

Or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of this Act.

General Provisions.

19. Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in England, would be one of the crimes described in the first Schedule to this Act is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of Her Majesty's dominions other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

Criminal surrendered by foreign state not triable for previous crime.

20. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and in the case of a British possession may be so used, *mutatis mutandis*, and when used shall be deemed to be valid and sufficient in law.

As to use of forms in second schedule.

21. Her Majesty may, by Order in Council, revoke or alter, subject to the restrictions of this Act, any Order in Council made in pursu-

Revocation, &c. of Order in Council.

ance of this Act, and all the provisions of this Act with respect to the original order shall (so far as applicable) apply, *mutatis mutandis*, to any such new order.

Application of Act
in Channel Islands
and Isle of Man.

22. This Act, (except so far as relates to the execution of warrants in the Channel Islands) shall extend to the Channel Islands and Isle of Man in the same manner as if they were part of the United Kingdom; and the royal courts of the Channel Islands are hereby respectively authorised and required to register this Act.

Saving for Indian
treaties.

23. Nothing in this Act shall affect the lawful powers of Her Majesty or of the Governor General of India in Council to make treaties for the extradition of criminals with Indian native states, or with other Asiatic states conterminous with British India, or to carry into execution the provisions of any such treaties made either before or after the passing of this Act.

Power of foreign
state to obtain
evidence in United
Kingdom.

24. The testimony of any witness may be obtained in relation to any criminal matter pending in any court or tribunal in a foreign state in like manner as it may be obtained in relation to any civil matter under the Act of the session of the nineteenth and twentieth years of the reign of Her present Majesty, chapter one hundred and thirteen, intituled "An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before foreign tribunals;" and all the provisions of that Act shall be construed as if the term civil matter included a criminal matter, and the term cause included a proceeding against a criminal: Provided that nothing in this section shall apply in the case of any criminal matter of a political character.

Foreign state in-
cludes dependencies.

25. For the purposes of this Act, every colony, dependency, and constituent part of a foreign state, and every vessel of that state, shall (except where expressly mentioned as distinct in this Act) be deemed to be within the jurisdiction of and to be part of such foreign state.

Definition of terms.
"British pos-
session":

26. In this Act, unless the context otherwise requires,—
The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, the Channel Islands, and Isle of Man; and all colonies, plantations, islands, territories, and settlements under one legislature, as herein-after defined are deemed to be one British possession:

"Legislature":

The term "legislature" means any person or persons who can exercise legislative authority in a British possession, and where there are local legislatures as well as a central legislature, means the central legislature only:

- The term "Governor" means any person or persons administering the government of a British possession, and includes the Governor of any part of India: "Governor":
- The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act: "Extradition crime":
- The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy: "Conviction":
- The term "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign state who is in or is suspected of being in some part of Her Majesty's dominions; and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that state: "Fugitive criminal"; "Fugitive criminal of a foreign state":
- The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State: "Secretary of State":
- The term "police magistrate" means a chief magistrate of the metropolitan police courts, or one of the other magistrates of the metropolitan police courts in Bow Street: "Police magistrate":
- The term "justice of the peace" includes in Scotland any sheriff, sheriff's substitute, or magistrate: "Justice of the Peace":
- The term "warrant," in the case of any foreign state, includes any judicial document authorising the arrest of a person accused or convicted of crime. "Warrant."

Repeal of Acts.

27. The Acts specified in the third schedule to this Act are hereby repealed as to the whole of Her Majesty's dominions; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign states with which those treaties are made, in the same manner as if an Order in Council referring to such treaties had been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act. Repeal of Acts in third schedule.

Provided that if any proceedings for or relation to the surrender of a fugitive criminal have been commenced under the said Acts previously to the repeal thereof, such proceedings may be completed, and the fugitive surrendered, in the same manner as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

LIST OF CRIMES.

The following list of crimes is to be construed according to the law existing in England, or in a British possession, (as the case may be,) at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force.

Rape.

Abduction.

Child stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

SECOND SCHEDULE.

Form of Order of Secretary of State to the Police Magistrate.

To the chief magistrate of the metropolitan police courts or other magistrate of the metropolitan police in Bow Street [or the stipendiary magistrate at].

WHEREAS, in pursuance of an arrangement with , referred to in an Order of Her Majesty in Council dated the day of , a requisition has been made to me, , one of Her Majesty's Principal Secretaries of State, by , the diplomatic representative of , for the surrender of , late of , accused [or convicted] of the commission of the crime of within the jurisdiction of : Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of the Extradition Act, 1870, relating to the issue of such warrant, are in your judgment complied with.

Given under the hand and seal of the undersigned, one of Her Majesty's

Principal Secretaries of State, this day of 18 .

Form of Warrant of Apprehension by Order of Secretary of State.

Metropolitan police district, [or county or borough of] to wit.	{	To all and each of the constables of the metro- politan police force [or of the county or borough of].
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WHEREAS the Right Honourable , one of Her Majesty's Principal Secretaries of State, by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of late of accused [or convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said pursuant to The Extradition Act, 1870, wherever he may be found in the United Kingdom or Isle of Man, and bring him before me or some other [*magistrate sitting in this court], to show cause why he should not be surrendered in pursuance of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at [*Bow Street, one of the police courts
of the metropolis] this day of 18 .

J.P.

* NOTE.—Alter as required.

Form of Warrant of Apprehension without Order of Secretary of State.

Metropolitan police district, [or county or borough of] to wit.	{	To all and each of the constables of the metro- politan police force [or of the county or borough of].
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WHEREAS it has been shown to the undersigned, one of Her Majesty's justices of the peace in and for the metropolitan police district [or the said county or borough of] that late of is accused [or convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said and to bring him before me or some other magistrate sitting at this court [or one of Her Majesty's justices of the peace in and for the county [or borough] of] to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts
of the metropolis. [or in the county or borough aforesaid]
this day of 18 .

J.P.

Form of Warrant for bringing Prisoner before the Police Magistrate.

County [or borough] of to wit.	{	To constable of the police force of and to all other peace officers in the said county [or borough] of .
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WHEREAS late of accused [or alleged to be convicted of] the commission of the crime of within the jurisdiction of has been apprehended and brought before the undersigned, one of Her Majesty's justices of the peace in and for the said county [or borough] of And whereas by The Extradition Act, 1870, he is required to be brought before the chief magistrate of the metropolitan police court, or one of the police magistrates of the metropolis sitting at Bow Street, within the metropolitan police district [or the stipendiary magistrate for]: This is therefore to command you the said constable in Her Majesty's name forthwith to take and convey the said to the metropolitan police district [or the

said and there carry him before the said chief magistrate or one of the police magistrates of the metropolis sitting at Bow Street within the said district [or before a stipendiary magistrate sitting in the said] to show cause why he should not be surrendered in pursuance of The Extradition Act, 1870, and otherwise to be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at in the county [or borough] aforesaid, this day of 18 .

J.P.

Form of Warrant of Committal.

Metropolitan police district, [or county or borough of] to wit.	{	To one of the constables of the metropolitan police force [or of the police force of the county or borough of], and to the keeper of the .
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BE it remembered, that on this day of in the year of our Lord late of is brought before me the chief magistrate of the metropolitan police courts [or one of the police magistrates of the metropolis] sitting at the police court in Bow Street, within the metropolitan police district, [or a stipendiary magistrate for ,] to show cause why he should not be surrendered in pursuance of The Extradition Act, 1870, on the ground of his being accused [or convicted] of the commission of the crime of within the jurisdiction of , and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act:

This is therefore to command you the said constable in Her Majesty's name forthwith to convey and deliver the body of the said into the custody of the said keeper of the at , and you the said keeper to receive the said into your custody, and him there safely to keep until he is thence delivered pursuant to the provisions of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [or at the said] this day of 18 .

J.P.

Form of Warrant of Secretary of State for Surrender of Fugitive.

To the keeper of and to .

WHEREAS late of accused [or convicted] of the commission of the crime of within the jurisdiction of , was delivered into the custody of you the keeper of by warrant dated pursuant to The Extradition Act, 1870:

Now I do hereby, in pursuance of the said Act, order you the said keeper to deliver the body of the said into the custody of the said , and I command you the said to receive the said into your custody, and to convey him within the jurisdiction of the said , and there place him in the custody of any person or persons appointed by the said to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this day of .

THIRD SCHEDULE.

Year and Chapter.	Title.
6 & 7 Vict. c. 75..	An Act for giving effect to a convention between Her Majesty and the King of the French for the apprehension of certain offenders.
6 & 7 Vict. c. 76..	An Act for giving effect to a treaty between Her Majesty and the United States of America for the apprehension of certain offenders.
8 & 9 Vict. c. 120	An Act for facilitating execution of the treaties with France and the United States of America for the apprehension of certain offenders.
25 & 26 Vict. c. 70	An Act for giving effect to a convention between Her Majesty and the King of Denmark for the Mutual Surrender of Criminals.
29 & 30 Vict. c. 121	An Act for the amendment of the law relating to treaties of extradition.

CAP. LXVI.

An Act to make further provision for the Government of British Columbia.

[9th August 1870.]

WHEREAS in pursuance of the powers vested in Her Majesty by an Act passed in the session holden in the twenty-first and twenty-second years of Her Majesty's reign, intituled "An Act to provide for the Government of British Columbia," Her Majesty did, by an Order in Council, bearing date the eleventh day of June one thousand eight hundred and sixty-three, constitute a Legislature consisting of the Governor and a Legislative Council in the said Colony of British Columbia:

Preamble.

21 & 22 Vict. c. 99.

And whereas by the British Columbia Act of 1866 Vancouver Island was united to British Columbia and made subject to the said Legislature, and the number of the Legislative Council was increased so as to provide for the representation of Vancouver Island:

And whereas it is expedient to alter the Constitution of the said Legislature:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The British Columbia Government Act, 1870."

Interpretation of term "Governor."

2. For the purposes of this Act, the term "Governor" shall mean the officer for the time being administering the government of British Columbia.

Power to Her Majesty by Order in Council to constitute a Legislature.

3. Her Majesty may, by an Order or Orders in Council, revoke the said recited Order in Council, and may from time to time make, and when made revoke or alter, Orders in Council for constituting a Legislature consisting of the Governor and a Legislative Council for the said colony, and may by any such Order make such provisions and regulations respecting the constitution, powers, and proceedings of the said Legislature or either branch thereof, the number, the appointment, and election of the members of the Legislative Council, their tenure of office, and generally in respect to such Legislature or either branch thereof, as may seem to her expedient.

Power to Her Majesty to delegate certain powers to the Governor of British Columbia.

4. Her Majesty may from time to time, by any such Order or Orders in Council, empower the Governor of the said colony, with or without any conditions or restrictions, by proclamation, to determine the qualification of electors and of elective members of the Legislative Council, and to make provision for the division of the said colony into convenient electoral districts; for the registration of persons qualified to vote, and the compilation and revision of lists of all such Persons; for the appointment of returning officers; for the issuing, executing, and returning the necessary writs for the election of members to the said Legislative Council; for taking the poll thereat, and determining the validity of all disputed returns; and generally for securing the orderly, effective, and impartial conduct of such elections, and to revoke any proclamation previously made.

Draft of an Order passed by the Queen in Council for constituting a Legislative Council for the Colony of British Columbia.

At the Court at Osborne House, Isle of Wight, the 9th day of August, 1870.

PRESENT:

The QUEEN'S Most Excellent Majesty,

Lord President,
Lord Privy Seal,
Mr. Gladstone,

Mr. Chancellor of the Exchequer,
Sir William Heathcote, Bart.,
Lord Justice Mellish.

[Dated 9th August, 1870.]

WHEREAS by the "British Columbia Government Act, 1870," Her Majesty was empowered by Order or Orders in Council to constitute a Legislature consisting of the Governor and a Legislative Council for the Colony of British Columbia, and to make such provisions and regulations in respect of such Legislature, or either branch thereof, as might seem to be expedient, and further to delegate certain powers therein mentioned to the Governor of the said Colony:

It is hereby ordered by Her Majesty, by and with the advice of Her Privy Council, and in pursuance and exercise of the powers vested in Her Majesty by the said Act of Parliament, as follows, that is to say:—

1. In this Order in Council the term "Governor" shall mean the officer for the time being lawfully administering the government of the Colony of British Columbia.

2. The Order in Council of the eleventh day of June 1863, referred to in the said Act, shall be, and the same is hereby revoked, except that the Legislative Council constituted by the said Order shall, "unless first dissolved by the Governor," retain all the powers thereby granted to it in like manner as if the said Order had not been revoked until the return of the first writs of the future Legislative Council constituted under this Order.

3. There shall be in the said Colony a Legislative Council constituted as hereinafter mentioned. Legislative Council appointed.

4. It shall be lawful for the Governor, with the advice and consent of the said Council, to make laws for the peace, order, and good government of the said Colony. Governor's power to make laws.

Constitution of
Legislative Council.

5. The said Council shall consist of fifteen members, of whom nine shall be elective, and six non-elective.

Non-elective
members.

6. The non-elective members shall consist of such persons or officers as shall from time to time be named or designated by the Governor by instruments to be passed under the public seal of the said Colony: Provided that every such appointment or designation shall be provisional only until the same shall have been confirmed by Warrant under Her Majesty's Sign Manual and Signet; and that appointment or designation shall be during Her Majesty's pleasure only, and may be revoked by like Warrant.

Elective members
and electoral
districts.

7. Subject to any rearrangement and redistribution of the present Electoral Districts by the Governor under the powers hereinafter vested in him, the elective members shall be chosen by the electors of the present Electoral districts.

Qualification of
electors and elec-
tive members.

8. Subject to any alteration of franchise or qualification by the Governor under the powers hereinafter vested in him, every male of the full age of twenty-one years, being entitled within the said Colony to the privileges of a natural-born British subject, and being able to read English, shall be qualified to vote at any such election, and to be elected a member of such Legislative Council, unless he shall have been convicted of any treason, felony, or other infamous offence, and shall not have received a free or conditional pardon for such offence, or have undergone the sentence passed upon him for such offence.

Powers of
Governor.

9. Until the first meeting of the said Council, it shall be lawful for the Governor from time to time by Proclamation to determine the qualification of Electors and of elective members, and to make provision for divisions of the said Colony into convenient Electoral Districts; for the registration of persons qualified to vote, and the compilation and revision of lists of all such persons; for the appointment of Returning Officers; for the issuing, executing, and returning the necessary writs for the election of members to the said Council; for taking the poll thereat and determining the validity of all disputed returns, and generally for securing the orderly, effective, and impartial conduct of such elections.

Convoking of
Council.

Proviso.

10. The Governor shall, by Proclamation as aforesaid, fix the time and place or places for holding the meetings of the said Council. Provided that the said Council shall be convoked within six months after the publication of this Order in the said Colony, and once at least in every subsequent year.

Prorogation, dissolu-
tion, and duration
of Council.

11. The Governor may, by Proclamation as aforesaid, prorogue or dissolve the said Council when he shall think fit; and, in the

absence of such dissolution, the elected members of the said Council shall hold their seats for four years from the day of the returning of the first writs for the election of members to the said Council, and no longer.

12. If any Member of the Council shall, without the permission of the Governor first obtained, fail during a whole Session to give his attendance in the said Council, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power; or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power, or shall become a bankrupt or an insolvent debtor, or a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall for the period of one month remain party to any contract with the Government, or, not being an ex officio member of the Council, shall by writing under his hand, addressed to the Governor, resign his seat therein; or if any elective member shall accept any office of emolument from the Government, his seat in the said Council shall thereafter become vacant.

Seats of members,
how vacated.

13. If any non-elective member shall be incapable of acting or be absent from the Colony, the Governor may, by an Instrument to be passed under the public seal of the Colony, appoint a substitute to act during such incapacity or absence.

Appointment of
substitute for non-
elective member.

14. Whenever it shall be established to the satisfaction of the Governor that the seat of any elected member of the Council has become vacant, the Governor shall forthwith issue a writ for the election of a new member to serve in the place so vacated during the remainder of the term of the continuance of such Council; but if any question shall arise respecting the fact of such vacancy, it shall be referred by the Governor to the said Council, and shall be heard and determined by them.

Vacant seats, how
to be filled up.

15. No member of the Council shall vote or sit therein until he shall have taken and subscribed the following oath before the Governor or some person authorized by him to administer such oath:—

Oath of allegiance
to be administered
to Legislative
Councillors.

“I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, according to Law. So help me God.”

But every person authorized by law to make a solemn affirmation or declaration, instead of taking an oath, may make such affirmation or declaration in lieu of the said oath.

Affirmation or
declaration.

16. The Council shall, on their first meeting, before proceeding to the dispatch of any other business, elect one of their members

Speaker to be
elected.

to be Speaker, which election, being confirmed by the Governor, shall be valid and effectual during the continuance of the Council, or until the said Speaker shall die or resign his office by writing under his hand, addressed to the Governor, or shall cease to be a member of the Council; and in case of vacancy in the said office, another Speaker shall be elected in manner and subject to such confirmation aforesaid.

Vacant office of Speaker, how to be filled up.

Acting Speaker to preside during the Speaker's absence.

17. The Speaker, or, in his absence, some member elected by the Council, shall preside at the meetings thereof.

Quorum for business.

18. The Council shall not be competent to proceed to the dispatch of any business, except that of adjournment unless six members be present.

Voting, and Speaker's casting vote.

19. All questions shall be determined by a majority of votes of the members present other than the Speaker or Presiding Member. When the votes are equal, the Speaker or Presiding Member shall have a casting vote.

Standing Rules and Orders.

20. The Council shall at its first meeting, and from time to time afterwards as occasion may require, adopt Standing Rules and Orders for the orderly conduct of business, which Rules and Orders shall become valid and effectual when confirmed by the Governor.

Revenue Bills.

21. The Council shall not pass, nor shall the Governor assent to, any Bill appropriating any part of the public revenue for any purpose which shall not first have been recommended to the Council by the Governor during the session in which such Bill was proposed, and no part of the said revenue shall be issued, except in pursuance of warrant under the hand of the Governor directed to the Public Treasurer of the Colony.

Initiation of laws by the Governor.

22. The Governor may transmit by message to the Council the draft of any laws which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the Council in such convenient manner as shall be by the rules and orders provided for that purpose.

Governor may return Bills passed by the Legislative Council.

23. Whenever any Bill shall be presented to the Governor for his assent thereto, he may return the same by message, for the reconsideration of the Council, with such amendments as he may think fitting.

No law to take effect until assented to.

24. No law shall take effect until the Governor shall have assented to the same on behalf of Her Majesty, and shall have signed the same in token of such assent.

Disallowance of laws by Her Majesty.

25. Her Majesty may, by Order in Council or through one of Her Principal Secretaries of State, disallow any law passed by the said

Governor and Council, at any time within two years after such law shall have been received by the Secretary of State; and every law so disallowed shall become null and void so soon as the disallowance thereof shall be published in the Colony by authority of the Governor.

26. Nothing herein contained shall be taken to limit the powers conferred upon such Council by an Act passed in the session holden in the twenty-eighth and twenty-ninth years of the reign of Her Majesty, intituled "An Act to remove doubts as to the validity of Colonial Laws." Powers of Legislative Council.
28 & 29 Vict. c. 63.

And the Right Honourable the Earl of Kimberley, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) ARTHUR HELPS.

CAP. LXIX.

An Act to amend the Law with respect to Fugitive Offenders in Her Majesty's Dominions, and for other Purposes connected with the Trial of Offenders.

[27th August 1881.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited as the Fugitive Offenders Act, 1881. Short title.

PART I.

RETURN OF FUGITIVES.

2. Where a person accused of having committed an offence (to which this part of this Act applies) in one part of Her Majesty's Dominions has left that part, such person (in this Act referred to as a fugitive from that part) if found in another part of Her Majesty's dominions, shall be liable to be apprehended and returned in manner provided by this Act to the part from which he is a fugitive. A fugitive may be so apprehended under an endorsed warrant or a provisional warrant. Liability of fugitive to be apprehended and returned.

Endorsing of
warrant for apprehension of fugitive.

3. Where a warrant has been issued in one part of Her Majesty's dominions for the apprehension of a fugitive from that part, any of the following authorities in another part of Her Majesty's dominions in or on the way to which the fugitive is or is suspected to be; (that is to say,)

- (1.) A judge of a superior court in such part; and
- (2.) In the United Kingdom a Secretary of State and one of the magistrates of the metropolitan police court in Bow Street; and

(3.) In a British possession the governor of that possession, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend the fugitive in the part of Her Majesty's dominions in which it is endorsed, and bring him before a magistrate.

Provisional warrant
for apprehension of
fugitive.

4. A magistrate of any part of Her Majesty's dominions may issue a provisional warrant for the apprehension of a fugitive who is or is suspected of being in or on his way to that part on such information, and under such circumstances, as would in his opinion justify the issue of a warrant if the offence of which the fugitive is accused had been committed within his jurisdiction, and such warrant may be backed and executed accordingly.

A magistrate issuing a provisional warrant shall forthwith send a report of the issue, together with the information or a certified copy thereof, if he is in the United Kingdom, to a Secretary of State, and if he is in a British possession, to the governor of that possession, and the Secretary of State or governor may, if he think fit, discharge the person apprehended under such warrant.

Dealing with
fugitive when
apprehended.

5. A fugitive when apprehended shall be brought before a magistrate, who (subject to the provisions of this Act) shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be (including the power to remand and admit to bail), as if the fugitive were charged with an offence committed within his jurisdiction.

If the endorsed warrant for the apprehension of the fugitive is duly authenticated, and such evidence is produce as (subject to the provisions of this Act) according to the law ordinarily administered by the magistrate, raises a strong or probable presumption that the fugitive committed the offence mentioned in the warrant, and that the offence is one to which this part of this Act applies, the magistrate shall commit the fugitive to prison to await his return, and shall forthwith send a certificate of the committal and such report of the case as he may think fit, if in the United Kingdom to a Secretary of State, and if in a British possession to the governor of that possession.

Where the magistrate commits the fugitive to prison he shall inform the fugitive that he will not be surrendered until after the expiration of fifteen days, and that he has a right to apply for a writ of habeas corpus, or other like process.

A fugitive apprehended on a provisional warrant may be from time to time remanded for such reasonable time not exceeding seven days at any one time, as under the circumstances seems requisite for the production of an endorsed warrant.

6. Upon the expiration of fifteen days after a fugitive has been committed to prison to await his return, or if a writ of habeas corpus or other like process is issued with reference to such fugitive by a superior court, after the final decision of the court in the case, Return of fugitive by warrant.

(1.) If the fugitive is so committed in the United Kingdom, a Secretary of State; and

(2.) If the fugitive is so committed in a British possession, the governor of that possession,

may, if he thinks it just, by warrant under his hand order that fugitive to be returned to the part of Her Majesty's dominions from which he is a fugitive, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or some one or more of them, and to be held in custody, and conveyed by sea or otherwise to the said part of Her Majesty's dominions, to be dealt with there in due course of law as if he had been there apprehended, and such warrant shall be forthwith executed according to the tenor thereof.

The governor or other chief officer of any prison on request of any person having the custody of a fugitive under any such warrant, and on payment or tender of a reasonable amount for expenses, shall receive such fugitive and detain him for such reasonable time as may be requested by the said person for the purpose of the proper execution of the warrant.

7. If a fugitive who, in pursuance of this part of this Act, has been committed to prison in any part of Her Majesty's dominions to await his return, is not conveyed out of that part within one month after such committal, a superior court, upon application by or on behalf of the fugitive, and upon proof that reasonable notice of the intention to make such application has been given, if the said part is the United Kingdom to a Secretary of State, and if the said part is a British possession to the governor of the possession, may, unless sufficient cause is shown to the contrary, order the fugitive to be discharged out of custody. Discharge of person apprehended if not returned within one month.

8. Where a person accused of an offence and returned in pursuance of this part of this Act to any part of Her Majesty's dominions, either is not prosecuted for the said offence within six months after Sending back of persons apprehended if not prosecuted within six months or acquitted.

his arrival in that part, or is acquitted of the said offence, then if that part is the United Kingdom a Secretary of State, and if that part is a British possession the governor of that possession may, if he think fit, on the request of such person, cause him to be sent back free of cost and with as little delay as possible to the part of Her Majesty's dominions in or on his way to which he was apprehended.

Offences to which
this part of this Act
applies.

9. This part of this Act shall apply to the following offences, namely, to treason and piracy, and to every offence, whether called felony, misdemeanor, crime, or by any other name, which is for the time being punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour by whatever name it is called, shall be deemed to be imprisonment with hard labour.

This part of this Act shall apply to an offence notwithstanding that by the law of the part of Her Majesty's dominions in or on his way to which the fugitive is or is suspected of being it is not an offence or not an offence to which this part of this Act applies; and all the provisions of this part of this Act, including those relating to a provisional warrant and to a committal to prison, shall be construed as if the offence were in such last-mentioned part of Her Majesty's dominions an offence to which this part of this Act applies.

Powers of superior
court to discharge
fugitive when case
frivolous or return
unjust.

10. Where it is made to appear to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of a fugitive not being made in good faith in the interests of justice, or otherwise, it would, having regard to the distance, to the facilities for communication, and to all the circumstances of the case, be unjust or oppressive or too severe a punishment to return the fugitive either at all or until the expiration of a certain period, such court may discharge the fugitive, either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the court seems just.

Power of Lord
Lieutenant in
Ireland.

11. In Ireland, The Lord Lieutenant or Lords Justices or other chief governor or governors of Ireland, also the chief secretary of such Lord Lieutenant, may, as well as a Secretary of State, execute any portion of the powers by this part of this Act vested in a Secretary of State.

PART II.

INTER-COLONIAL BACKING OF WARRANTS, AND OFFENCES.

Application of part of Act.

12. This part of this Act shall apply only to those groups of British possessions to which, by reason of their contiguity or otherwise, it may seem expedient to Her Majesty to apply the same.

Application of part of Act to group of British possessions.

It shall be lawful for Her Majesty from time to time by Order in Council to direct that this part of this Act shall apply to the group of British possessions mentioned in the Order, and by the same or any subsequent Order to except certain offences from the application of this part of this Act, and to limit the application of this part of this Act by such conditions, exceptions, and qualifications as may be deemed expedient.

Backing of Warrants.

13. Where in a British possession of a group to which this part of this Act applies a warrant has been issued for the apprehension of a person accused of an offence punishable by law in that possession, and such person is or is suspected of being in or on the way in another British possession of the same group, a magistrate in the last-mentioned possession, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in manner provided by this Act, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing magistrate, the person named in the warrant, and bring him before the endorsing magistrate or some other magistrate in the same British possession.

Backing in one British possession of warrant issued in another of same group.

14. The magistrate before whom a person so apprehended is brought, if he is satisfied that the warrant is duly authenticated as directed by this Act and was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the British possession in which the warrant was issued, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed by sea or otherwise into the British possession in which the warrant was issued, there to be dealt with according to law as if he had been there apprehended. Such order for return may be made by warrant under the hand of the magistrate making it, and may be executed according to the tenor thereof.

Return of prisoner apprehended under backed warrant.

A magistrate shall, so far as is requisite for the exercise of the powers of this section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

Backing in one British possession of summons, &c., of witness issued in another possession of same group.

15. Where a person required to give evidence on behalf of the prosecutor or defendant on a charge for an offence punishable by law in a British possession of a group to which this part of this Act applies, is or is suspected of being in or on his way to any other British possession of the same group, a judge, magistrate, or other officer who would have lawful authority to issue a summons, requiring the attendance of such witness, if the witness were within his jurisdiction, may issue a summons for the attendance of such witness, and a magistrate in any other British possession of the same group, if satisfied that the summons was issued by some judge, magistrate, or officer having lawful authority as aforesaid, may endorse the summons with his name; and the witness, on service in that possession of the summons, so endorsed, and on payment or tender of a reasonable amount for his expenses, shall obey the summons, and is default shall be liable to be tried and punished either in the possession in which he is served or in the possession in which the summons was issued, and shall be liable to the punishment imposed by the law of the possession in which he is tried for the failure of a witness to obey such a summons. The expression "summons" in this section includes any subpoena or other process for requiring the attendance of a witness.

Provisional warrant in group of British possessions.

16. A magistrate in a British possession of a group to which this part of this Act applies, before the endorsement in pursuance of this part of this Act of a warrant for the apprehension of any person, may issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which such person is accused were an offence punishable by the law of the said possession, and had been committed within his jurisdiction, and such warrant may be backed and executed accordingly; provided that a person arrested under such provisional warrant shall be discharged unless the original warrant is produced and endorsed within such reasonable time as may under the circumstances seem requisite.

Discharge of prisoner not returned within one month to British possession of same group.

17. If a prisoner in a British possession whose return is authorised in pursuance of this part of this Act is not conveyed out of that possession within one month after the date of the warrant ordering his return, a magistrate or a superior court, upon application by or on behalf of the prisoner, and upon proof that reasonable notice of the intention to make such application has been given to the person holding the warrant and to the chief officer of the police of such possession or of the province or town where the prisoner is in custody, may, unless sufficient cause is shown to the contrary, order such prisoner to be discharged out of custody.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to appeal to a superior court.

18. Where a prisoner accused of an offence is returned in pursuance of this Act to a British possession, and either is not prosecuted for the said offence within six months after his arrival in that possession or is acquitted of the said offence, the governor of that possession, if he thinks fit, may, on the requisition of such person, cause him to be sent back, free of cost, and with as little delay as possible, to the British possession in or on his way to which he was apprehended.

Sending back of prisoner not prosecuted or acquitted to British possession of same group.

19. Where the return of the prisoner is sought or ordered under this part of this Act, and it is made to appear to a magistrate or to a superior court that by reason of the trivial nature of the case, or by reason of the application for the return of such prisoner not being made in good faith in the interests of Justice or otherwise, it would, having regard to the distance, to the facilities of communication, and to all the circumstances of the case, be unjust or oppressive, or too severe a punishment, to return the prisoner either at all or until the expiration of a certain period, the court or magistrate may discharge the prisoner either absolutely or on bail, or order that he shall not be returned until after the expiration of the period named in the order, or may make such other order in the premises as to the magistrate or court seems just.

Refusal to return prisoner where evidence too trivial.

Any order or refusal to make an order of discharge by a magistrate under this section shall be subject to an appeal to a superior court.

PART III.

TRIAL, &c. OF OFFENCES.

20. Where two British possessions adjoin, a person accused of an offence committed on or within the distance of five hundred yards from the common boundary of such possessions may be apprehended, tried, and punished in either of such possessions.

Offences committed on boundary of two adjoining British possessions.

21. Where an offence is committed on the person or in respect of any property in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation, the person accused of such offence may be tried in any British possession through a part of which such carriage, cart, vehicle, or vessel passed in the course of the journey or voyage during which the offence was committed; and where the side, bank, centre, or other part of the road, river, lake, canal, or inland navigation along which the carriage, cart, vehicle, or vessel passed in the course of such journey or voyage is the boundary of any British possession, a person may be tried for such offence in any British possession of which it is the boundary:

Offences committed on journey between two British possessions.

Provided that nothing in this section shall authorize the trial for such offence of a person who is not a British subject, where it is not shown that the offence was committed in a British possession.

Trial of offence of false swearing or giving false evidence.

22. A person accused of the offence (under whatever name it is known) of swearing or making any false deposition, or of giving or fabricating any false evidence, for the purposes of this Act, may be tried either in the part of Her Majesty's dominions in which such deposition or evidence is used, or in the part in which the same was sworn, made, given, or fabricated, as the justice of the case may require.

Supplemental provision as to trial of person in any place.

23. Where any part of this Act provided for the place of trial of a person accused of an offence, that offence shall, for all purposes of and incidental to the apprehension, trial, and punishment of such person, and of and incidental to any proceedings and matters preliminary, incidental to, or consequential thereon, and of and incidental to the jurisdiction of any court, constable, or officer with reference to such offence, and to any person accused of such offence, be deemed to have been committed in any place in which the person accused of the offence can be tried for it; and such person may be punished in accordance with the Courts (Colonial) Jurisdiction Act, 1874.

37 & 38 Vict. c. 27.

Issue of search warrant.

24. Where a warrant for the apprehension of a person accused of an offence has been endorsed in pursuance of any part of this Act in any part of Her Majesty's dominions, or where any part of the Act provides for the place of trial of a person accused of an offence, every court and magistrate of the part in which the warrant is endorsed or the person accused of the offence can be tried shall have the same power of issuing a warrant to search for any property alleged to be stolen or to be otherwise unlawfully taken or obtained by such person, or otherwise to be the subject of such offence, as that court or magistrate would have if the property had been stolen or otherwise unlawfully taken or obtained, or the offence had been committed wholly within the jurisdiction of such court or magistrate.

Removal of prisoner by sea from one place to another.

25. Where a person is in legal custody in a British possession either in pursuance of this Act or otherwise, and such person is required to be removed in custody to another place in or belonging to the same British possession, such person, if removed by sea in a vessel belonging to Her Majesty or any of Her Majesty's subjects, shall be deemed to continue in legal custody until he reaches the place to which he is required to be removed; and the provisions of this Act with respect to the retaking of a prisoner who has escaped, and with respect to the trial and punishment of a person

guilty of the offence of escaping or attempting to escape, or aiding or attempting to aid a prisoner to escape, shall apply to the case of a prisoner escaping while being lawfully removed as aforesaid, in like manner as if he were being removed in pursuance of a warrant endorsed in pursuance of this Act.

PART IV.

SUPPLEMENTA.

Warrants and Escape.

26. An endorsement of a warrant in pursuance of this Act shall be signed by the authority endorsing the same, and shall authorise all or any of the persons to whom the warrant was originally directed, and also every constable, to execute the warrant within the part of Her Majesty's dominions or place within which such endorsement is by this Act made a sufficient authority, by apprehending the person named in it, and bringing him before some magistrate in the said part or place, whether the magistrate named in the endorsement or some other.

Endorsement of
warrant.

For the purposes of this Act every warrant, summons, subpoena, and process, and every endorsement made in pursuance of this Act thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

27. Where a fugitive or prisoner is authorised to be returned to any part of Her Majesty's dominions in pursuance of Part One or Part Two of this Act, such fugitive or prisoner may be sent thither in any ship belonging to Her Majesty or to any of Her subjects.

Conveyance of
fugitives and wit-
nesses.

For the purpose aforesaid, the authority signing the warrant for the return may order the master of any ship belonging to any subject of Her Majesty bound to the said part of Her Majesty's dominions to receive and afford a passage and subsistence during the voyage to such fugitive or prisoner, and to the person having him in custody, and to the witnesses, so that such master be not required to receive more than one fugitive or prisoner for every hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage.

The said authority shall endorse or cause to be endorsed upon the agreement of the ship such particulars with respect to any fugitive prisoner or witness sent in her as the Board of Trade from time to time require.

Every such master shall, on his ship's arrival in the said part of Her Majesty's dominions, cause such fugitive or prisoner, if he is not in the custody of any person, to be given into the custody of some constable, there to be dealt with according to law.

Every master who fails on payment or tender of a reasonable amount for expenses to comply with an order made in pursuance of this section, or to cause a fugitive or prisoner committed to his charge to be given into custody as required by this section, shall be liable on summary conviction to a fine not exceeding fifty pounds, which may be recovered in any part of Her Majesty's dominions in like manner as a penalty of the same amount under the Merchant Shipping Act, 1854, and the Acts amending the same.

17 & 18 Vict. c. 104.

Escape of prisoner
from custody.

28. If a prisoner escape, by breach of prison or otherwise, out of the custody of a person acting under a warrant issued or endorsed in pursuance of this Act, he may be retaken in the same manner as a person accused of a crime against the law of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

A person guilty of the offence of escaping or of attempting to escape, or of aiding or attempting to aid a prisoner to escape, by breach of prison or otherwise, from custody under any warrant issued or endorsed in pursuance of this Act, may be tried in any of the following parts of Her Majesty's dominions, namely, the part to which and the part from which the prisoner is being removed, and the part in which the prisoner escapes, and the part in which the offender is found.

Evidence.

Depositions to be
evidence, and
authentication of
depositions and
warrants.

29. A magistrate may take depositions for the purposes of this Act in the absence of a person accused of an offence in like manner as he might take the same if such person were present and accused of the offence before him.

Depositions (whether taken in the absence of the fugitive or otherwise) and copies thereof, and official certificates of or judicial documents stating facts, may, if duly authenticated, be received in evidence in proceedings under this Act.

Provided that nothing in this Act shall authorise the reception of any such depositions, copies, certificates or documents in evidence against a person upon his trial for an offence.

Warrants and depositions, and copies thereof, and official certificates of or judicial documents stating facts, shall be deemed duly authenticated for the purposes of this Act if they are authenticated in manner provided for the time being by law, or if they purport to be signed by or authenticated by the signature of a judge, magistrate, or officer of the part of Her Majesty's dominions in which the same are issued, taken, or made, and are authenticated either by the oath of some witness, or by being sealed with the official

seal of a Secretary of State, or with the public seal of a British possession, or with the official seal of a governor of a British possession, or of a colonial secretary, or of some secretary or minister administering a department of the Government of a British possession.

And all courts and magistrates shall take judicial notice of every such seal as is in this section mentioned, and shall admit in evidence without further proof the documents authenticated by it.

Miscellaneous.

30. The jurisdiction under Part One of this Act to hear a case and commit a fugitive to prison to await his return shall be exercised,—

Provision as to exercise of jurisdiction by magistrates.

- (1.) In England, by a chief magistrate of the metropolitan police courts or one of the other magistrates of the metropolitan police court at Bow Street; and
- (2.) In Scotland, by the sheriff or sheriff substitute of the county of Edinburgh; and
- (3.) In Ireland, by one of the police magistrates of the Dublin metropolitan police district; and
- (4.) In a British possession, by any judge, justice of the peace, or other officer having the like jurisdiction as one of the magistrates of the metropolitan police court in Bow Street, or by such other court, judge, or magistrate as may be from time to time provided by an Act or ordinance passed by the legislature of that possession.

If a fugitive is apprehended and brought before a magistrate who has no power to exercise the jurisdiction under this Act in respect of that fugitive, that magistrate shall order the fugitive to be brought before some magistrate having that jurisdiction, and such order shall be obeyed.

31. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any Order so made, and every Order so made shall while it is in force have the same effect as if it were enacted in this Act.

Power as to making and revocation of Orders in Council.

An Order in Council made for the purposes of this Act shall be laid before Parliament as soon as may be after it is made if Parliament is then in session, or if not, as soon as may be after the commencement of the then next session of Parliament.

32. If the legislature of a British possession pass any Act or ordinance—

Power of legislature of British possession to pass laws for carrying into effect this Act.

- (1.) For defining the offences committed in that possession to which this Act or any part thereof is to apply; or
- (2.) For determining the court, judge, magistrate, officer, or person by whom and the manner in which any jurisdiction or power under this Act is to be exercised; or

- (3.) For payment of the costs incurred in returning a fugitive or a prisoner, or in sending him back if not prosecuted or if acquitted, or otherwise in the execution of this Act; or
- (4.) In any manner for the carrying of this Act or any part thereof into effect in that possession,

it shall be lawful for Her Majesty by Order in Council to direct, if it seems to Her Majesty in Council necessary or proper for carrying into effect the objects of this Act, that such Act or Ordinance, or any part thereof, shall with or without modification or alteration be recognised and given effect to through Her Majesty's dominions and on the high seas as if it were part of this Act.

Application of Act.

Application of Act to offences at sea or triable in several parts of Her Majesty's dominions.

33. Where a person accused of an offence can by reason of the nature of the offence, or of the place in which it was committed, or otherwise, be, under this Act or otherwise, tried for or in respect of the offence in more than one part of Her Majesty's dominions, a warrant for the apprehension of such person may be issued in any part of Her Majesty's dominions in which he can, if he happens to be there, be tried; and each part of this Act shall apply as if the offence had been committed in the part of Her Majesty's dominions where such warrant is issued, and such person may be apprehended and returned in pursuance of this Act, notwithstanding that in the place in which he is apprehended a court has jurisdiction to try him:

Provided that if such person is apprehended in the United Kingdom a Secretary of State, and if he is apprehended in a British possession, the governor of such possession, may, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, order such person to be tried in the part of Her Majesty's dominions in which he is apprehended, and in such case any warrant previously issued for his return shall not be executed.

Application of Act to Convicts.

34. Where a person convicted by a court in any part of Her Majesty's dominions of an offence committed either in Her Majesty's dominions or elsewhere, is unlawfully at large before the expiration of his sentence, each part of this Act shall apply to such person, so far as is consistent with the tenor thereof, in like manner as it applies to a person accused of the like offence committed in the part of Her Majesty's dominions in which such person was convicted.

Application of Act to removal of person triable in more than one part of Her Majesty's dominions.

35. Where a person accused of an offence is in custody in some part of Her Majesty's dominions, and the offence is one for or in respect of which, by reason of the nature thereof or of the place in which it was committed or otherwise, a person may under this Act or otherwise be tried in some other part of Her Majesty's dominions,

in such case a superior court, and also if such person is in the United Kingdom a Secretary of State, and if he is in a British possession the governor of that possession, if satisfied that, having regard to the place where the witnesses for the prosecution and for the defence are to be found, and to all the circumstances of the case, it would be conducive to the interests of justice so to do, may by warrant direct the removal of such offender to some other part of Her Majesty's dominions in which he can be tried, and the offender may be returned, and, if not prosecuted or acquitted, sent back free of cost in like manner as if he were a fugitive returned in pursuance of Part One of this Act, and the warrant were a warrant for the return of such fugitive, and the provisions of this Act shall apply accordingly.

36. It shall be lawful for Her Majesty from time to time by Order in Council to direct that this Act shall apply as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British possession, and to provide for carrying into effect such application.

Application of Act to foreign jurisdiction.

37. This Act shall extend to the Channel Islands, and Isle of Man as if they were part of England and of the United Kingdom, and the United Kingdom and those islands shall be deemed for the purpose of this Act to be one part of Her Majesty's dominions; and a warrant endorsed in pursuance of Part One of this Act may be executed in every place in the United Kingdom and the said islands accordingly.

Application of Act to, and execution of warrant in United Kingdom, Channel Islands, and Isle of Man.

38. This Act shall apply where an offence is committed before the commencement of this Act, or, in the case of Part Two of this Act, before the application of that part to a British possession or to the offence, in like manner as if such offence had been committed after such commencement or application.

Application of Act to past offences.

Definitions and Repeal.

39. In this Act, unless the context otherwise requires,—

The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

Definition of terms.

"Secretary of State":

The expression "British possession" means any part of Her Majesty's dominions, exclusive of the United Kingdom, the Channel Islands, and Isle of Man; all territories and places within Her Majesty's dominions which are under one legislature shall be deemed to be one British possession and one part of Her Majesty's dominions.

"British possession":

- "Legislature": The expression "legislature," where there are local legislatures as well as a central legislature, means the central legislature only:
- "Governor": The expression "governor" means any person or persons administering the government of a British possession, and includes the governor and lieutenant governor of any part of India:
- "Constable": The expression "constable" means, out of England, any policeman or officer having the like powers and duties as a constable in England.
- "Magistrate": The expression "magistrate" means, except in Scotland, any justice of the peace, and in Scotland means a sheriff or sheriff substitute, and in the Channel Islands, Isle of Man, and a British possession means any person having authority to issue a warrant for the apprehension of persons accused of offences and to commit such persons for trial:
- "Offence punishable on indictment": The expression "offence punishable on indictment" means, as regards India, an offence punishable on a charge or otherwise:
- "Oath": The expression "oath" includes affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing, and the expression "swear" and other words relating to an oath or swearing shall be construed accordingly:
- "Deposition": The expression "deposition" includes any affidavit, affirmation, or statement made upon oath as above defined:
- "Superior court": The expression "superior court" means:
- (1.) In England, Her Majesty's Court of Appeal and High Court of Justice; and
 - (2.) In Scotland, the High Court of Justiciary; and
 - (3.) In Ireland, Her Majesty's Court of Appeal and Her Majesty's High Court of Justice at Dublin; and
 - (4.) In a British possession, any court having in that possession the like criminal jurisdiction to that which is vested in the High Court of Justice in England, or such court or judge as may be determined by any Act or ordinance of that possession.

Commencement of Act.

40. This Act shall come into operation on the first day of January one thousand eight hundred and eighty-two, which date is in this Act referred to as the commencement of this Act:

Repeal of Act in Schedule.

41. The Act specified in the Schedule to this Act is hereby repealed as from the commencement of this Act:

Provided that this repeal shall not affect—

- (a.) Any warrant duly endorsed or issued, nor anything duly done or suffered before the commencement of this Act; nor

- (b.) Any obligation or liability incurred under an enactment hereby repealed; nor
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor
- (d.) Any legal proceeding or remedy in respect of any such warrant, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such warrant may be endorsed and executed, and any such legal proceeding and remedy may be carried on, as if this Act had not passed.

SCHEDULE.

Year and Chapter.	Title.
6 & 7 Vict. c. 34..	An Act for the better apprehension of certain offenders.

CAP. 3.

An Act to give effect to His Majesty's declaration of abdication; and for purposes connected therewith.

[11th *December* 1936.]

WHEREAS His Majesty by His Royal Message of the tenth day of December in this present year has been pleased to declare that He is irrevocably determined to renounce the Throne for Himself and His descendants, and has for that purpose executed the Instrument of Abdication set out in the Schedule to this Act, and has signified His desire that effect thereto should be given immediately:

And whereas, following upon the communication to His Dominions of His Majesty's said declaration and desire, the Dominion of Canada pursuant to the provisions of section four of the Statute of Westminster, 1931, has requested and consented to the enactment of this Act, and the Commonwealth of Australia,

22 & 23
Geo. 5. c. 4.

the Dominion of New Zealand, and the Union of South Africa have assented thereto:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:—

Effect of His Majesty's
declaration of
abdication.

1.—(1) Immediately upon the Royal Assent being signified to this Act the instrument of Abdication executed by His present Majesty on the tenth day of December, nineteen hundred and thirty-six, set out in the Schedule to this Act, shall have effect, and thereupon His Majesty shall cease to be King and there shall be a demise of the Crown, and accordingly the member of the Royal Family then next in succession to the Throne shall succeed thereto and to all the rights, privileges, and dignities thereunto belonging.

12 & 13
Will. 3. c. 2.
12 Geo. 3.
c. 11.

(2) His Majesty, His issue, if any, and the descendants of that issue, shall not after His Majesty's abdication have any right, title or interest in or to the succession to the Throne, and section one of the Act of Settlement shall be construed accordingly.

(3) The Royal Marriages Act, 1772, shall not apply to his Majesty after His abdication nor to the issue, if any, of His Majesty or the descendants of that issue.

Short title.

2. This Act may be cited as His Majesty's Declaration of Abdication Act, 1936.

SCHEDULE.

I, Edward the Eighth, of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Emperor of India, do hereby declare My irrevocable determination to renounce the Throne for Myself and for My descendants, and My desire that effect should be given to this Instrument of Abdication immediately.

In token whereof I have hereunto set My hand this tenth day of December, nineteen hundred and thirty-six, in the presence of the witnesses whose signatures are subscribed.

EDWARD R. I.

Signed at Fort Belvedere
in the presence of
ALBERT.
HENRY.
GEORGE.

CAP. 16.

An Act to make provision for a Regency in the event of the Sovereign being on His Accession under the age of eighteen years, and in the event of the incapacity of the Sovereign through illness, and for the performance of certain of the royal functions in the name and on behalf of the Sovereign in certain other events; to repeal the Lords Justices Act, 1837; and for purposes connected with the matters aforesaid.

[19th March 1937.]

WHEREAS Your Majesty, by Your Majesty's Royal Message to both Houses of Parliament, has been pleased to recommend that provision should be made for a Regency in certain events:

And whereas Your Majesty in the same Message put both Houses of Parliament in mind of the difficulties which arose in relation to the exercise of the Royal Authority at the time of the illness of His late Majesty King George the Fifth in the year nineteen hundred and twenty-eight and of His last illness in the month of January, nineteen hundred and thirty-six, and recommended that Parliament should consider whether it be not expedient to make permanent provision for the purpose of securing the exercise of the Royal Authority as well in the event of the incapacity of the Sovereign as in the event of the minority of the Sovereign on His Accession and in certain other circumstances:

Now therefore we, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, do most humbly beseech Your Majesty that it be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) If the Sovereign is, at His Accession, under the age of eighteen years, then, until He attains that age, the royal functions shall be performed in the name and behalf of the Sovereign by a Regent.

Regency while the Sovereign is under eighteen.

(2) For the purpose of any enactment requiring any oath or declaration to be taken, made, or subscribed, by the Sovereign

on or after His Accession, the date on which the Sovereign attains the age of eighteen years shall be deemed to be the date of His Accession.

Regency during total incapacity of the Sovereign.

2.—(1) If the following persons or any three or more of them, that is to say, the wife or husband of the Sovereign, the Lord Chancellor, the Speaker of the House of Commons, the Lord Chief Justice of England, and the Master of the Rolls, declare in writing that they are satisfied by evidence which shall include the evidence of physicians that the Sovereign is by reason of infirmity of mind or body incapable for the time being of performing the royal functions or that they are satisfied by evidence that the Sovereign is for some definite cause not available for the performance of those functions, then, until it is declared in like manner that His Majesty has so far recovered His health as to warrant His resumption of the royal functions or has become available for the performance thereof, as the case may be, those functions shall be performed in the name and on behalf of the Sovereign by a Regent.

(2) A declaration under this section shall be made to the Privy Council and communicated to the Governments of His Majesty's Dominions and to the Government of India.

The Regent.

3.—(1) If a Regency becomes necessary under this Act, the Regent shall be that person who, excluding any persons disqualified under this section, is next in the line of succession to the Crown.

12 & 13 Will. 3. c. 2.

(2) A person shall be disqualified from becoming or being Regent, if he is not a British subject of full age and domiciled in some part of the United Kingdom, or is a person who would, under section two of the Act of Settlement, be incapable of inheriting, possessing, and enjoying the Crown; and section three of the Act of Settlement shall apply in the case of a Regent as it applies in the case of a Sovereign.

(3) If any person who would at the commencement of a Regency have become Regent but for the fact that he was not then of full age becomes of full age during the Regency, he shall, if he is not otherwise disqualified under this section, thereupon become Regent instead of the person who has theretofore been Regent.

(4) If the Regent dies or becomes disqualified under this section, that person shall become Regent in his stead who would have become Regent if the events necessitating the Regency had occurred immediately after the death or disqualification.

(5) Section two of this Act shall apply in relation to a Regent with the substitution for references to the Sovereign of references

to the Regent, and for the words "those functions shall be performed in the name and on behalf of the Sovereign by a Regent" of the words "that person shall be Regent who would have become Regent if the Regent had died."

4.—(1) The Regent shall, before he acts in or enters upon his office, take and subscribe before the Privy Council the oaths set out in the Schedule to this Act, and the Privy Council are empowered and required to administer those oaths and to enter them in the Council Books.

Oaths to be taken by and limitations of power of, Regent.

(2) The Regent shall not have power to assent to any Bill for changing the order of succession to the Crown or for repealing or altering an Act of the fifth year of the reign of Queen Anne made in Scotland entitled "An Act for Securing the Protestant Religion and Presbyterian Church Government."

5. During a Regency, unless Parliament otherwise determines,—

Guardianship, &c. of Sovereign during Regency.

- (a) if the Sovereign is under the age of eighteen years, and unmarried, His mother, if she is living, shall have the guardianship of His person;
- (b) if the Sovereign, being married, is under the age of eighteen years or has been declared under this Act to be incapable for the time being of performing the royal functions, the wife or husband of the Sovereign, if of full age, shall have the guardianship of the person of the Sovereign;
- (c) the Regent shall, save in the cases aforesaid, have the guardianship of the person of the Sovereign; and the property of the Sovereign, except any private property which in accordance with the terms of any trust affecting it is to be administered by some other person, shall be administered by the Regent.

6.—(1) In the event of illness not amounting to such infirmity of mind or body as is mentioned in section two of this Act, or of absence or intended absence from the United Kingdom, the Sovereign may, in order to prevent delay or difficulty in the dispatch of public business, by Letters Patent under the Great Seal, delegate, for the period of that illness or absence, to Counsellors of State such of the royal functions as may be specified in the Letters Patent, and may in like manner revoke or vary any such delegation:

Power to delegate royal functions to Counsellors of State.

Provided that no power to dissolve Parliament otherwise than on the express instructions of the Sovereign (which may be conveyed by telegraph), or to grant any rank, title or dignity of the peerage may be delegated.

(2) Subject as hereinafter provided, the Counsellors of State shall be the wife or husband of the Sovereign (if the Sovereign is married), Her Majesty Queen Elizabeth the Queen Mother, and the four persons who, excluding any persons disqualified under this section, are next in the line of succession to the Crown, or if the number of such persons next in the line of succession is less than four, then all such persons:

Provided that, if it appears to the Sovereign that any person who, in accordance with the foregoing provisions of this subsection, would be required to be included among the Counsellors of State to whom royal functions are to be delegated, is absent from the United Kingdom or intends to be so absent during the whole or any part of the period of such delegation, the Letters Patent may make provision for excepting that person from among the number of Counsellors of State during the period of such absence.

(2A) . . . any person disqualified under this Act from being Regent shall be disqualified from being a Counsellor of state.

(3) Any functions delegated under this section shall be exercised jointly by the Counsellors of State, or by such number of them as may be specified in the Letters Patent, and subject to such conditions, if any, as may be therein prescribed.

(4) The provisions of this section shall apply in relation to a Regent with the substitution for references to the Sovereign of references to the Regent, so, however, that in relation to a Regent subsection (2) of this section shall have effect as if after the word "next," where that word first occurs therein, there were inserted the words "after the Regent".

(5) Any delegation under this section shall cease on the demise of the Crown or on the occurrence of any events necessitating a Regency or a change of Regent.

7. The Lords Justices Act, 1837, is hereby repealed.

8.—(1) This Act may be cited as the Regency Act, 1937.

(2) In this Act, save as otherwise expressly provided, the expression "royal functions" includes all powers and authorities belonging to the Crown, whether prerogative or statutory, together with the receiving of any homage required to be done to His Majesty.

Repeal of
7 Will. 4. &
1 Vict. c. 72.

Short title and
interpretation.

SCHEDULE.

Section 4.

OATHS TO BE TAKEN BY THE REGENT.

1. I swear that I will be faithful and bear true allegiance to [*here insert the name of the Sovereign*] his heirs and successors according to law. So help me God.

2. I swear that I will truly and faithfully execute the office of Regent, and that I will govern according to law, and will, in all things, to the utmost of my power and ability, consult and maintain the safety, honour, and dignity of [*here insert the name of the Sovereign*] and the welfare of his people. So help me God.

3. I swear that I will inviolably maintain and preserve in England and in Scotland the Settlement of the true Protestant religion as established by law in England and as established in Scotland by the laws made in Scotland in prosecution of the Claim of Right, and particularly by an Act intituled "An Act for Securing the Protestant Religion and Presbyterian Church Government" and by the Acts passed in the Parliament of both Kingdoms for Union of the two Kingdoms, together with the Government, Worship, Discipline, Rights, and Privileges of the Church of Scotland. So help me God.

[NOTES:

1. The Regent, under a s. 2 situation during the reign of Queen Elizabeth II, is the Duke of Edinburgh, if living, unless or until there is a child or grandchild of Her Majesty and the Duke of Edinburgh who is eligible to be the Regent: Regency Act, 1953, 2 & 3 Eliz. 2, c. 1, s. 1 (2). Section 3 (2,5) continues to apply.

2. The heir (apparent or presumptive) is deemed to be of full age for the Regency Act at age 18: Regency Act, 1953, s. 2.

3. Queen Elizabeth the Queen Mother is added to the list of Counsellors of State in s. 6 (2): Regency Act, 1953, s. 3.

4. Section 6 (2) as rewritten and amended by the Regency Acts, 1943 and 1953, is printed in its present form.]

PART II.

Consisting of a list of Ordinances and Acts passed by the Colonial and Provincial Legislatures not repealed and not included in the Revised Statutes, some of which Ordinances and Acts, being of a quasi-public character, are printed in full; the titles of the others with the date of their passing only being given.*

The Acts are in chronological order except for consolidations to date of printing [1913] of New Westminster Act at pp. (1043-1051) and the Vancouver City Act at pp. (1052-1205).

* Some of these Ordinances and Acts are possibly obsolete, others perhaps indirectly repealed, others again expired by effluxion of time. In the opinion of the Commissioners the Courts or the Legislature are the proper authorities to make any declaration on the subject.

Proclamation by His Excellency JAMES DOUGLAS, Governor and Commander-in-Chief of Her Majesty's Colony of British Columbia and its Dependencies. Proclamation having the force of Law to Indemnify the Governor and other Officers for acts done before the establishment of any legitimate authority in British Columbia.

[19th November, 1858.]

WHEREAS large numbers of her Majesty's subjects and others, have resorted to and settled on the territory now comprised within the limits of this Colony, before the establishment of any settled form of government therein, and it has been necessary to take steps for the establishment and maintenance of peace, order, and good government, and for the protection of the rights of Her Majesty, and for the collection of a revenue from lands belonging to Her Majesty; some of which steps may not have been fully authorized in point of law:

And whereas by a commission under the great seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, Governor of the Colony of British Columbia, have been authorized, by Proclamation issued under the public seal of the Colony, to make laws, institutions, and ordinances for the peace, order, and good government of the same:

Be it therefore known to all whom it may concern, that I, the said James Douglas, Governor of British Columbia, do hereby, in virtue of the authority aforesaid, enact and proclaim that every act, matter, or thing bona fide done and performed for any of the purposes aforesaid before the date of this Proclamation, by me the said James Douglas, or any other person or persons acting under my authority or direction, shall be deemed to be and to have been valid in law, and that I, the said James Douglas, and the said other persons, shall be and hereby are severally and jointly indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatever, in respect of any such Act, matter, or thing, and that the same shall not be questioned in any of Her Majesty's Courts of civil or criminal jurisdiction in this Colony.

And I do further enact and proclaim that any declaration in writing under the hand of the Governor, or Officer administering the Government of British Columbia, to the effect that any act, matter, or thing specified therein, was done or performed for any of such purposes, or under any such direction or authority as aforesaid shall, for the purposes of this Proclamation, be conclusive evidence of the matters stated therein, and shall be a sufficient discharge and indemnity to all persons mentioned in the said declaration in respect of the act, matter, or thing specified therein.

New Westminster Name Proclamation (consolidated)	20th July, 1859.
Victoria Gas Company	19th December, 1860.
Amended	9th December, 1861.

Proclamation by His Excellency JAMES DOUGLAS,
Companion of the Most Honourable Order of the
Bath, Governor and Commander-in-Chief of British
Columbia and its Dependencies, Vice-Admiral of
the same, &c., &c.

[10th May, 1861.]

WHEREAS under and by virtue of an Act of Parliament, made and passed in the session of Parliament held in the twenty-first and twenty-second years of the reign of Her Majesty Queen Victoria, entitled "An Act to provide for the Government of British Columbia," and by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, I, James Douglas, have been appointed Governor of the said Colony, to make Laws, Institutions, and Ordinances for the peace, order, and good government of the same:

And whereas certain pieces of ground have been set apart for the use of the Roman Catholic Church in British Columbia:

And whereas it is necessary to grant the said pieces of land:

Now, therefore, I do hereby declare, proclaim, and enact as follows:—

1. That all conveyances made by the Crown to the Roman Catholic Bishop of Vancouver Island shall vest the same, in the Roman Catholic Bishop of Vancouver Island for the time being, and his successors in office from time to time, upon trust for the Roman Catholic Church in British Columbia.

2. That in the interval between the appointment of the successive Bishops, the person who shall for the time being be appointed to administer the affairs of the Roman Catholic Church in British Columbia shall have entire control over the rents, issues, and profits of the same pieces of land until the appointment aforesaid.

3. This Proclamation may be cited as the "Roman Catholic Land Act, 1861."

New Westminster Fireman's Protection16th July, 1861.

CHAPTER 6.

An Act to declare the Law relating to Bankruptcy and Insolvency in Vancouver Island and its Dependencies.

[1st February, 1862.]

WHEREAS doubts have been entertained as to the application of the English bankrupt and insolvent laws to this Colony: And whereas it is expedient to remove such doubts:

Be it enacted by His Excellency the Governor, on Her Majesty's behalf, by and with the consent of the Legislative Council and Assembly, as follows:—

1. The laws of bankruptcy and insolvency in England, subject to the provisions of this Act, shall be deemed and taken to be the laws of bankruptcy and insolvency within this Colony.

As to the Court of Bankruptcy.

2. The jurisdiction in bankruptcy shall be administered by the Chief Justice of Vancouver Island and its Dependencies, and by a Commissioner in Bankruptcy.

Jurisdiction in bankruptcy vested in the Chief Justice of the Supreme Court and a Commissioner of Bankruptcy.
Powers of the Court.

3. The Court of Bankruptcy shall have and exercise for the purposes of this Act all the jurisdiction, powers, and authorities of the Superior Courts of Law and Equity, and shall be a Court of Record. And the said Court, and the Chief Justice, and the Commissioner thereof, shall have and use all the powers, rights, incidents, and privileges of a Court of Record as fully as the same are used and enjoyed by any of Her Majesty's Courts of Law or Judges at Westminster. And the Chief Justice and the Commissioner shall singly and simultaneously or otherwise, as occasion may require, be and form the Court for every purpose under this Act, except where otherwise in this Act specially provided.

4. It shall be lawful for the Governor for the time being from time to time to appoint a fit person, being a Sergeant-at-Law or Barrister-at-Law, to be Commissioner in Bankruptcy. Such Commissioner shall be incapable of being elected a member of the House of Assembly, and shall (when appointed) have primary jurisdiction in all cases where an affidavit is filed in the Supreme Court by the bankrupt, or any petitioning creditor or creditors, that the assets of the proposed bankrupt do not amount to five hundred pounds.

Governor to appoint Commissioner.

Jurisdiction.

5. The Commissioner shall, before executing any of the duties of his office, take the following oath, which the Chief Justice is hereby authorized and required to administer:—

Oath of Commissioner.

I, A. B., do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my skill and power, execute the office of Commissioner in Bankruptcy. So help me God.

As to the Officers of the Court.

Registrar of
Supreme Court to
be Registrar and
Taxing-master of
Bankruptcy Court.

6. The person discharging the duties of Registrar and Master of the Supreme Court of Civil Justice shall act as Registrar and Taxing-master in Bankruptcy.

Sheriff to act as
messenger.

7. The Sheriff of Vancouver Island shall discharge the duties of messenger in all matters of bankruptcy, and shall give such security in respect of such duties and shall receive such remuneration in respect of such services as General Orders shall direct.

As to the Accountant in Bankruptcy.

Registrar to be
Accountant in
Bankruptcy.

8. The duties of Accountant in Bankruptcy shall be discharged by the person discharging the duties of Registrar of the Supreme Court of Civil Justice.

The Official Assignee.

9. It shall be lawful for the Chief Justice, with the approval of the Governor, to appoint some person or persons to act as Official Assignee or Assignees, who shall enter into such security for the due performance of his or their duties as may be directed by General Orders.

10. The remuneration of the Official Assignee shall be by percentage upon the amount of the assets of the bankrupt, divisible amongst his creditors, as and by way of dividend of such an amount as may be fixed by General Orders.

11. In all cases of arrangement, supersession, annulling, suspension, or withdrawal of proceedings in bankruptcy, a proportionate amount of the percentage payable to the Official Assignee shall be ascertained by the Registrar, regard being had to the amount of work done by such Official Assignee which will not be required in consequence of such supersession, annulling, suspension, or withdrawal, subject to the review of the Court.

As to the Taxing-master.

Bills of costs to
be taxed subject to
revision.

12. All bills of costs, charges, fees, and disbursements of solicitors and attorneys and of any auctioneer, appraiser, broker, valuer, or accountant, or any other person not being an attorney or solicitor, in any matter under this Act, shall be settled by the Registrar, subject to the review of the Court.

Fees prescribed by
this Act to be
accounted for and
paid into the
Treasury.

13. All fees authorized to be taken and which shall be received by the officers of the Court under this Act shall be accounted for

and paid by them respectively, once in every month, to the Treasurer of the Colony, and shall be by him placed to the credit of the Accountant in Bankruptcy in an account to be entitled "The Registrar in Bankruptcy Account," and the said account shall be chargeable with the salaries of the officers and other expenses of the Court; and such salaries shall be fixed by the Governor, having regard to the nature and duties of the office, as he may think just. And the amount of fees so received and paid by such officers shall be verified by the affidavits of the accounting party. And all such fees shall be applied solely to the purposes of the said Court. And no payments shall be made from the general revenue of the Colony on account of the salaries of the Commissioner in Bankruptcy or of those of any of the officers of said Court.

14. If any Judge, Commissioner, Registrar, Accountant, Master, Official Assignee, clerk, or any other officer of the Court of Bankruptcy shall for anything done or pretended to be done under this Act, or under colour of doing anything thereunder, fraudulently and wilfully demand, or take, or appoint, or allow any person whatsoever to take for him or on his account, or for or on account of any person by him named, or in trust for him or for any other person by him named, any fee, emolument, gratuity, sum of money, or anything of value whatsoever, other than is allowed by this Act, such person, when convicted thereof, shall forfeit and pay the sum of five hundred pounds, and be rendered incapable of holding any office or place under Her Majesty.

Penalty on officers
improperly receiving
money.

As to General Orders.

15. The Chief Justice shall (with the assistance of the Commissioner, when such Commissioner shall be appointed) from time to time, and subject to the provisions of this Act, frame General Orders for the following purposes:—

General Orders.

For regulating the practice and procedure of the Court of Bankruptcy, and the several forms of petitions, orders, and other proceedings to be used in the Court in all matters under this Act:

For regulating the duties of the various officers of such Court:

For regulating the fees payable and the charges and costs to be allowed with respect to all proceedings before such Court: Provided always that the Court may vary or alter such fees; but the fees chargeable under Schedule A of this Act shall not be increased to a higher amount than by this Act prescribed:

For regulating the practice and procedure on appeals:

For regulating the filing, custody, and inspection of records, and generally for carrying the provisions of this Act into effect.

General Orders may be rescinded and varied and submitted to the Legislature.

16. General Orders may be rescinded and varied from time to time; and all General Orders shall be laid before the Legislative Council and House of Assembly within one month after the making thereof, if the House of Assembly and Council be then sitting, or if not then sitting, within one month from the commencement of the then next session.

As to the Sittings of the Court.

Court to sit when business requires.

17. The Court of Bankruptcy shall sit for the dispatch of business as necessity may require, Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and days appointed for public fast or thanksgiving excepted, and at such other times as the Chief Justice may appoint by General Orders.

As to the Practice and Procedure of the Court.

Evidence.

18. The Court may in all matters take the whole or any part of the evidence, either viva voce on oath, or by interrogatories in writing, or upon affidavit, or by commission abroad.

Sittings in Chambers.

19. The Chief Justice and Commissioner shall respectively sit at Chambers for the dispatch of such business as can, without detriment to the public advantage arising from the discussion of questions in open Court, be heard in Chambers, and when sitting at Chambers they shall have in all respects like power and jurisdiction as when sitting in Court, and the Chief Justice may direct from time to time that any matter pending before him shall be heard and decided by the Commissioner.

Attendance of witnesses before Registrar.

20. Parties and witnesses summoned before a Registrar shall be bound to attend in pursuance of such summons, and shall be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpoena; and all persons wilfully and corruptly swearing or affirming falsely before a Commissioner or Registrar sitting in Chambers shall be liable to all the penalties, punishments, and consequences of perjury.

Recusant witness.

21. If any person examined before a Registrar shall refuse or decline to answer, or to swear to, or sign his examination when taken, the Registrar shall refer the matter to the Chief Justice or Commissioner, as the case may be, who shall have power to order the person so acting to pay the costs thereby occasioned.

Parties may at any stage of the case state a special case.

22. In any bankruptcy or any other proceeding within the jurisdiction of the Court, the parties concerned or submitting to such jurisdiction may, at any stage of the proceedings, by consent, state any question or questions in a special case for the opinion of the

Supreme Court, and the judgment of the Supreme Court shall be final, unless it be agreed and stated in such special case that either party may appeal.

23. The parties may, if they think fit, agree that upon the question or questions raised by such special case being finally decided, a sum of money fixed by the parties, or to be ascertained by the Court, or in such manner as the Court may direct, or any property, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

A sum may be made payable by consent to abide the decision of the case.

24. The Court of Bankruptcy may direct the Registrar to attend at any place for the purpose of holding any meeting of creditors, of receiving proof of debts, and generally for the prosecution of any bankruptcy or other proceeding under this Act; and the travelling and incidental expenses of such Registrar, and of any clerk or other officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the assets of the estate in respect of which such Registrar has so acted; and such Registrar so acting shall have and exercise all powers, except the power of commitment, vested in such Court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents: Provided always that all depositions and examinations of persons and witnesses taken before such Registrar and all acts done by him shall be reduced to writing and be signed by such Registrar, and shall be annexed to and form part of the proceedings.

Registrar to attend at such places as the Court may direct.

25. It shall be lawful for the Chief Justice or Commissioner to direct any question of fact to be tried and determined before the Chief Justice by the verdict of a special or common jury. The Chief Justice may make all such rules and orders upon the Sheriff or any other person for procuring the attendance of a special or common jury for the trial of such questions as may be made by the Supreme Court, and also may make any other orders which may be requisite for the purpose of such trial; and every such jury shall consist of persons possessing the like qualifications, and shall be struck, summoned, and balloted for and called in like manner as if such jury were a jury for the trial of any cause in the said Supreme Court, and every jurymen so summoned shall be entitled to the same right and be subject to the same duties and liabilities as if he had been duly summoned for the trial of any cause in the said Supreme Court; and every party to any such proceeding shall be entitled to the same right as to challenge and otherwise as if he were a party to a cause in the said Supreme Court, and at the trial the jury shall be sworn to try the said question of fact, and a true verdict to give thereon, according to the evidence.

Court may direct question of fact to be tried.

26. It shall be lawful for the Chief Justice and the Commissioner to direct one or more issue or issues to be tried in the said

Court may direct issues.

Supreme Court, and either by a special or common jury, in like manner as is now done by the Court of Chancery.

Form of warrant.

27. Every warrant issued by the Court under this Act shall be under the seal of the Supreme Court and the hand of the Chief Justice or Commissioner, as the case may be; and every summons shall be under the hand of the Registrar and under the seal of the Supreme Court.

Documents and copies may be ordered to be sealed.

28. The Court shall cause to be sealed with the seal of the Supreme Court all such records, proceedings, documents, and copies of the same, as are by this Act, or shall be by General Orders, required to be so sealed, and such other records, proceedings, documents, and copies of the same, as the Court shall at any time direct.

No document to be void for want of form.

29. No rule, order, warrant, or other proceeding or document required by this Act to be given in a form given in the Schedule to this Act, or to be given by any General Order, shall be invalidated by reason of any want of form, or omission therein, if such want of form or omission shall not, in the opinion of the Court before which the same shall be brought, be calculated to mislead or prejudicially affect any party.

As to Appeals.

Appeal from Commissioner to Chief Justice.

30. Every decision or order of the Commissioner shall be subject to appeal before the Chief Justice, to be brought on by way of petition, motion, or special case. On the hearing thereof, no new evidence shall be received without leave of the Chief Justice, and if such appeal shall not be presented within twenty-eight days from the date of the decision or order complained of, or within such further time as the Commissioner shall in any case allow, then such decision or order shall be final.

Appeal from Chief Justice to Privy Council.

31. Every decree or order made by the Chief Justice shall be final, except in those cases where an amount of three hundred pounds, or more, is involved, in which case an appeal shall lie to the Privy Council.

Chief Justice may remove proceedings.

32. On the hearing of any appeal, the Chief Justice may exercise any part of his original jurisdiction, and may, if he think fit, direct that the case or matter in which the order appealed from was made be removed from the jurisdiction of the Commissioner, either wholly or in part, and be thenceforth prosecuted in the Supreme Court or in the Commissioner's Court, as he shall think fit.

As to the Persons subject to this Act.

All persons are liable to become bankrupt.

33. All debtors, whether traders or not, shall be liable to be declared and adjudged bankrupt and be subject to the provisions

of this Act, and in the procedure to obtain adjudication it shall no longer be necessary to show any trading on the part of the debtor.

34. If any person not being a trader shall, with intent to defeat or delay his creditors, depart this realm, and with such intent remain abroad, or shall, with such intent, make any fraudulent conveyance, gift, delivery, or transfer of his real or personal estate, or any part thereof respectively, such person shall be deemed to have thereby committed an act of bankruptcy: Provided always that before any adjudication in bankruptcy shall be made against the debtor under this Section, the following rule shall be observed:—

Acts of bankruptcy
by non-traders.

- (1.) A copy of the petition for adjudication shall be served personally on the debtor, either within the jurisdiction, or in such place or country, or within such limits abroad as the Court shall upon application for that purpose direct:
- (2.) Such copy of petition shall have endorsed thereon a memorandum in the form to be settled by General Orders, specifying the time within which the debtor is to appear on such petition, and such time shall, when the service is to be made abroad, be the time which the Court shall think reasonable, having regard to the place or country where the service is to be made:
- (3.) In no case of service out of the jurisdiction shall the time for appearance be less than thirty days after service:
- (4.) If it shall appear that such debtor is avoiding service of such petition, and that such service cannot reasonably be effected, the Court may order that a copy of the petition be served at the residence or last-known place of abode of such debtor in Vancouver Island, and shall in such order appoint a time for hearing the petition, which shall not be less than sixty days from the time of such service:
- (5.) If at the time limited for appearance, or at the expiry of the said sixty days, the Court shall at the hearing of such petition be satisfied that an act of bankruptcy has been committed within the meaning of this section, it may adjudge such debtor to be a bankrupt.

35. The Court may order the Messenger in Bankruptcy to seize and hold any property believed to have been the property of the person who has so departed this realm, at the time of his or her departure, upon the application of any person competent to present a petition for adjudication *ex parte*, such application being supported by affidavits verifying the departure with intent to delay or defraud creditors, and that the property was at the time of the departure in the apparent ownership of the person who has so departed; and the Court may vary, dismiss, suspend, or support such order upon such terms as may seem expedient.

Lying in prison an
act of bankruptcy.

36. If any debtor, whether a trader or not, having been arrested or committed to prison for a debt, or on any attachment for non-payment of money, shall upon such or any other arrest or commitment for debt or non-payment of money, or upon any detention for debt, lie in prison for fourteen days, or, having been arrested for any cause, shall lie in prison for fourteen days after any detainer for debt lodged against him and not discharged, every such debtor shall thereby be deemed to have committed an act of bankruptcy; or if any such debtor, having been arrested, committed, or detained for debt, shall escape out of prison or custody, every such debtor shall be deemed to have thereby committed an act of bankruptcy from the time of such arrest, commitment, or detention.

Filing declaration of
inability.

37. If any debtor, whether a trader or not, shall file in the office of the Registrar a declaration in writing in such form as General Orders shall direct, signed by such debtor and attested by the Registrar or an attorney or solicitor, that he is unable to meet his engagements, every such debtor shall be deemed thereby to have committed an act of bankruptcy at the time of filing such declaration, provided a petition for adjudication of bankruptcy shall be filed by or against him within two months from the filing of such declaration.

Execution for £50
to be an act of
bankruptcy.

38. If any execution shall be levied by seizure and sale of any of the goods and chattels of any trader debtor, upon any judgment recovered in any action personal for the recovery of any debt or money demand exceeding fifty pounds, every such debtor shall be deemed to have committed an act of bankruptcy from the date of seizure of such goods and chattels: Provided always that unless in the meantime a petition for adjudication of bankruptcy against the debtor be presented, the Sheriff or other officer making the levy shall proceed with the execution, and shall at the end of seven days after the sale pay over the proceeds, or so much as ought to be paid, to the execution creditor, who shall be entitled thereto, notwithstanding such act of bankruptcy, unless the debtor be adjudged a bankrupt within thirty days from the date of the seizure, in which case the money so received by the creditor shall be paid by him to the Assignee under the bankruptcy; but the Sheriff or other officer shall not incur any liability by reason of anything done by him as aforesaid.

Goods taken under
a fi. fa. to be sold
at public auction.

39. Whenever the goods and chattels of a debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money, demand, or damages against any debtor, such goods and chattels shall in all cases but those of perishable commodities be sold by the Sheriff by public auction, and not by bill of sale or private contract, and such sale

shall be publicly advertised by the Sheriff on and during three days next preceding the day of sale. In the case of perishable commodities the Sheriff shall sell at his uncontrolled discretion.

As to an Act of Bankruptcy by Non-payment after Judgment Debtor Summons.

40. Every judgment creditor who is or shall be entitled to sue out against a debtor a writ of *capias ad satisfaciendum*, or to charge the debtor in execution, shall be entitled at the end of one week from the signing of judgment to sue out against the debtor, whether he be a trader or not, and whether he be in custody or not, a summons, to be called a "judgment debtor summons," requiring him to appear and be examined respecting his ability to satisfy the debt.

Judgment summons.

41. Where, after the commencement of this Act, a decree or order of a Court of Equity or an order in bankruptcy or insolvency or lunacy, directing the payment of money, is disobeyed by the debtor, the same having been duly served upon him, and the person entitled to receive the money or interested in enforcing payment of it has obtained a peremptory order of the competent jurisdiction fixing a day for payment, and the debtor does not within seven days after service on him of the peremptory order, or such order having been duly served within seven days after the day fixed by the peremptory order for payment (which shall last happen), pay the money, or secure or tender or compound for it to the satisfaction of the creditor, the creditor shall be entitled at the end of those seven days to sue out against the debtor a judgment debtor summons.

Order in equity or bankruptcy for payment unsatisfied entitles creditor to a judgment summons.

42. Where the debtor is in Vancouver Island, the summons shall be served personally, unless the Court issuing the same shall in any case direct that service in some other manner is good service.

Judgment debtor to be served personally, unless otherwise ordered.

43. Where the debtor is not in Vancouver Island, the Court, upon such evidence as shall satisfy it that the service will be effectual to give notice to the debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the debtor.

Service out of the jurisdiction.

44. Where the debtor is in custody, a duplicate of the summons shall be delivered to the Sheriff or other person in whose custody he is, who shall bring him up according to the summons.

Service on prisoner.

45. If service of the summons be not effected, and the Court is satisfied that the debtor is keeping out of the way to avoid service, it may order that one or more notices be inserted in one or more newspapers published in the Colony, requiring him to appear on a day named, being not less than fourteen days after the publication of the first notice.

Substituted service.

Proceedings on judgment debtor summons.

46. Upon the appearance of the debtor, he may be examined upon oath by or on behalf of the creditor and by the Court respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce on oath or otherwise such books, papers, and documents in his possession or power relating to property applicable or alleged to be applicable to the satisfaction of the debt as the Court shall think fit, and to sign his examination when reduced to writing; and any debtor refusing to be sworn, or who shall upon examination refuse or wilfully fail to discover fully and truly to the best of his knowledge and belief all his property, real and personal, inclusive of his rights and credits, and to produce all books, papers, and documents in his possession or power relating thereto, shall be liable to be committed by the Court, as in the case of a bankrupt.

Proceedings in default.

47. If after service of such summons or due notice thereof as aforesaid the debtor shall not pay the debt and costs, or secure or compound for the same to the satisfaction of the creditor, the Court may on the appearance of the debtor, or if he shall not appear, having no lawful impediment allowed by the Court, adjudge him bankrupt without the presentation of a petition for adjudication or other proceeding; and where the debtor has not appeared, notice of such adjudication shall be served upon him in like manner as herein provided with respect to service of the summons.

Appearance to be within three days, or extended time, and on appearance the bankruptcy may be either annulled or made absolute.

48. The debtor shall be allowed three days from such notice, or such further time as the Court shall think fit, for appearing to show cause against the adjudication, and if he appear within the time allowed, and show sufficient cause, the adjudication may be annulled; otherwise, at the end of the time allowed, or on the judgment of the Court against the sufficiency of the cause shown, the adjudication shall become absolute, and notice thereof shall be forthwith given in one or more of the local newspapers, and the adjudication shall have relation back to the service of the summons or the insertion of the first notice in the said local newspaper, as the case may be; and the fees payable upon the presentation of a petition for adjudication of bankruptcy shall be paid in respect of adjudication under this section or under the last preceding section, by the Official Assignee or Creditors' Assignee, as the case may be, out of the first moneys that shall be received under the estate of the bankrupt.

Provision for committal to apply to debtors on judgment summons.

49. The provisions contained in this Act relating to the committal of a person refusing to be sworn, or doing or omitting the other acts or things therein mentioned, shall apply to a debtor appearing on a judgment debtor summons.

As to Proceedings before Adjudication in the Case of Non-traders.

50. Proceedings to obtain adjudication in bankruptcy shall be by petition on the oath of the petitioner. Every such petition shall be filed of record, and prosecuted as directed by this Act; and from and after the filing of such petition in the case of a debtor petitioning against himself, and from and after adjudication in the case of a debtor not being a trader who shall be adjudged bankrupt, the bankrupt personally, and all his estate and effects of what nature or kind soever, shall be subject to the law of bankruptcy in like manner as if such debtor had been a trader, and as such duly found and declared a bankrupt.

Proceedings in bankruptcy against non-traders to be commenced by petition.

51. The amount of the debt of any creditor petitioning for bankruptcy against a debtor, whether a trader or not, shall be as follows, that is to say:—

Petitioning creditor's debt.

The debt of a single creditor, or of two or more persons being partners, shall amount to twenty-five pounds or upwards:

The debt of two creditors shall amount to thirty-five pounds or upwards:

The debt of three or more creditors shall amount to fifty pounds or upwards.

Every person who has given credit to any debtor upon valuable consideration for any sum payable at a certain time, which time shall not have arrived when such debtor committed an act of bankruptcy, may so petition or join in petitioning whether he shall have any security for such sum or not.

52. If the debt stated by the petitioning creditor in his affidavit or in his petition for adjudication to be due to him from any debtor shall not be really due, or if, after a petition for adjudication of bankruptcy has been filed, it shall not have been proved that the person against whom such petition has been filed was liable to an adjudication of bankruptcy at the time of the filing of such petition, and it shall also appear that such petition was filed fraudulently or maliciously, the Court shall, and may upon petition of any person aggrieved by such petition, examine into the same, and order satisfaction to be made to him for the damages by him sustained.

Power to annul and compel payment of damages.

53. A petition for adjudication of bankruptcy or judgment debtor summons against any debtor indebted in the amount aforesaid to any copartnership duly authorized to sue and be sued in the name of a public officer of such copartnership may be filed or sued out by such public officer as the nominal petitioner for and on behalf of such copartnership.

Corporate officer may sue.

54. Any debtor may petition for adjudication of bankruptcy against himself, and the filing of such petition shall be an act of bankruptcy without any previous declaration of insolvency by such debtor.

Debtor may petition.

Debtor to file statement of assets and liabilities.

55. Every debtor petitioning against himself shall file in Court, together with his petition, a full, true, and accurate statement of his debts and liabilities of every kind, and of the names and residences of his creditors, and of the causes of his inability to meet his engagement; and such statement shall be in such form as General Orders shall direct, and shall be verified by the oath of the petitioner.

Prisoner filing petition to give notice to gaoler.

56. Every debtor who shall present a petition for adjudication whilst a prisoner in any prison or gaol shall by writing give notice to the keeper of such gaol or prison of his intention so to do, and shall in his petition state that such notice has been given.

In default of adjudication, any creditor may proceed.

57. If the petitioning creditor shall not proceed and obtain adjudication within three days after his petition shall have been filed, or within such extended time as shall be allowed by the Court, the Court may at any time at the expiration of three days, or of such extended time as the case may be, upon the petition of any other creditor to the amount required to constitute a petitioning creditor, proceed to adjudicate on such last-mentioned petition. If a debtor petitioning against himself does not obtain adjudication within twenty-four hours after filing such petition, the Court may proceed to adjudge the debtor a bankrupt on the petition of any competent creditor.

Character of petitioning creditor's debt.

58. In the computation of debts for the purposes of any petition under this Act, there shall be reckoned as debts:—

1st. Sums due to creditors holding mortgages or other available securities or liens, after deducting the value of the property comprised in such mortgages, securities, or liens:

2nd. Such interest and costs as shall be due in respect of any of the debts.

But there shall not be reckoned—

1st. The amount of the debts in respect of which the petitioner has already taken the benefit of insolvency, protection, or bankruptcy:

2nd. Debts barred by any Statute of Limitations.

As to Adjudication of Bankruptcy against Pauper Prisoners.

Petitions in forma pauperis.

59. If any debtor now being or who shall be imprisoned for any debt or demand shall be unable to petition the Court for an adjudication of bankruptcy against himself through poverty, he shall be at liberty to petition in forma pauperis, upon making an affidavit that he has not the means of paying the fees and expenses usually payable in respect of a petition by a debtor for an adjudication of bankruptcy. Such an affidavit may be sworn before the gaoler of

the prison where such debtor is confined, and such gaoler is hereby empowered and required to take such affidavit and swear the deponent thereto without fee or reward.

60. Every person so petitioning in forma pauperis as aforesaid shall be brought up to the Court at its next sitting after the presentation of such petition, and shall be examined by the Court touching his estate and effects, debts, dealings, and transactions; and if the Court shall be satisfied with such examination, it shall make an order of adjudication of bankruptcy against the petitioner, and if it think fit, grant an order of protection to the petitioner.

Petition in forma pauperis to be brought up for examination at the next Court.

As to Persons arrested for Debt.

61. Any person arrested upon a *capias ad satisfaciendum* may at any time thereafter take out a summons in the Supreme Court, either before or after a petition filed, or in cases coming within the primary jurisdiction of the Commissioner in the Court of the Commissioner, calling upon the person or persons on whose behalf such writ was issued to show cause why bail (the particulars whereof shall be mentioned in such summons) should not be taken for his appearance at such times as he may be called upon to appear by the Court.

Bail to ca. sa. may be given on summons for that purpose.

62. The Chief Justice or the Commissioner, as the case may be, may direct that such person may be either discharged from or remitted into custody for such time and upon such terms and bail as may be deemed just, and may postpone the hearing of such summons from time to time.

The Chief Justice may order discharge.

63. The Sheriff may personally take such bail for the appearance before the Court of any person arrested on a writ of *capias ad satisfaciendum*, within fourteen days from such bail, as he may think sufficient, but the Sheriff shall in default of such appearance be liable for the debt in respect of which such writ originally issued.

Sheriff may on his own personal responsibility take bail.

64. In all cases where bail is taken, the debt in respect of which such writ was issued shall be deemed and taken to be subsisting, notwithstanding such arrest, bail, or discharge.

Debt to be considered as subsisting.

65. The gaoler of every prison in this Colony shall, on the first day of every month, or if such day shall happen to be Sunday, then on the day next following, make a return to the Chief Justice under his hand of the name of every such person in custody, upon any process whatsoever, for or by reason of any debt, claim, or demand whatsoever, and the date of his or her imprisonment, and the nature of the amount of the debt or demand for which he or she is imprisoned or in custody, and whether he or she is willing to petition the Court of Bankruptcy, or is unable to do so by reason of poverty,

Gaoler to return number of persons in custody under process.

or in such other form and manner and with such particulars as any General Orders shall direct. Such return shall also include the names and addresses of every creditor at whose suit such prisoner is imprisoned or detained.

Attendance of the Registrar, and inquiries by him.

66. The Chief Justice shall in every case, on receiving such return, make an order that the Registrar shall attend at the gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such return. Notice of such order shall be forthwith given to the gaoler, and also to the execution and detaining creditors of every prisoner included in such return. On the day named in the order the Registrar shall attend at the prison and examine every prisoner included in such return who shall have been in prison for fourteen days, touching his estate and effects, debts, dealings, and transactions.

The Registrar shall also ascertain the last or longest place of abode and business of each such prisoner within the six months next prior to his imprisonment. The Chief Justice, on the report of the Registrar, shall have power to make an order of adjudication in bankruptcy against every such prisoner, and to grant him protection, and shall also direct in what Court such adjudication shall be prosecuted.

Registrar to report in cases of recusant prisoner who may be committed.

67. If the prisoner shall refuse to appear, or to be sworn, or to answer all lawful questions of the Registrar, or of the execution or detaining creditors, or of any other creditor who shall be present, respecting his debts, liabilities, dealings, and transactions, or to make a full discovery of his estate and effects and of all his books of account, or to produce the same, or to sign his examination when taken, the Registrar shall report the same to the Court, and the Court may by warrant under the hand and seal of the Chief Justice, and in the form contained in Schedule C to this Act, commit him to the common gaol, there to be kept with hard labour for any time not exceeding one month, and the Court may at the same time adjudge such prisoner bankrupt: Provided that if after such adjudication the bankrupt shall, before the period of such commitment has expired, submit to be examined and in all things conform to the jurisdiction of the Court, he shall have in all respects the same benefit as if he had submitted to the Court in the first instance.

Adjudication to relate back to date of commitment.

68. Every adjudication against any prisoner for debt so brought up as aforesaid shall, unless the Court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all purposes as if it had been made under any other of the provisions of this Act.

No person imprisoned on a warrant from the Small Debts Court to be included in the return.

69. No person who is in custody solely under or by virtue of any order made or issued by or by the authority of a Judge sitting in the existing or any future Small Debts Court shall be included in

the return so directed to be made by gaolers as aforesaid, or released from such imprisonment by virtue of any order to be made on the certificate of the Registrar aforesaid.

As to the Rights and Duties of the Creditors' Assignee.

70. The Creditors' Assignee shall manage and, except as herein provided, realize and recover to the estate all real and personal property belonging to the bankrupt, wherever situated, and convert the same into money, and he shall pay all moneys not necessarily retained for current expenses, all public securities, and all bills, notes, and negotiable instruments belonging to the estate, forthwith upon the receipt thereof, into Court, to the account of the Account in Bankruptcy.

Creditors' Assignee to realize the estate and pay moneys into Court.

71. The Creditors' Assignee shall, at the end of three months from and after his appointment, and thenceforth at the expiration of every succeeding three months, render to the Registrar a debtor and creditor account of all sums received and paid on account of the bankrupt or his estate, verified on oath as a full, true, and faithful account of his receipts and payments as such Creditors' Assignee, and the vouchers for such account and all books of account in his possession or power, together with his banker's pass-book, shall be produced by him to the Registrar, who shall examine the same, and if he shall be dissatisfied with such account, the same, or any part thereof or any matter arising thereon, shall be inquired into and considered by the Chief Justice or Commissioner, as the case may be.

Creditors' Assignee to account.

72. Forthwith after the passing of each such account of the Creditors' Assignee, a copy thereof or a statement showing the nature and result of the transactions and accounts of the Creditors' Assignee shall be made out by the Registrar, and shall be open to inspection in the Registrar's office by every creditor who has proved under the bankruptcy.

Creditors' Assignee's account to be open to inspection.

73. In every case of a lease or an agreement for a lease, it shall be lawful for the Assignee to elect to take the same, and the benefit thereof, and to keep possession of the premises up to some quarter or half-yearly day on which rent is made payable by the same lease or agreement, such day not being more than six months from the adjudication of bankruptcy, and from and after such day to decline such lease or agreement for a lease.

Assignee may take the benefit of a lease up to some quarter-day.

74. Any mortgagee, with the leave of the Court first obtained, may bid at any sale of the mortgaged property.

Mortgagee may bid.

75. If it shall appear to any meeting of the creditors summoned by the Assignee by notice stating the object of the meeting, and at

Assignee, when empowered by the Court, may at the decree of the creditors mortgage

the bankrupt's property to discharge bankrupt's debts.

which three-fourths in value of the creditors shall be present or represented, that the debts of any bankrupt can be discharged by means of money raised by way of mortgage or pledge of any of his property, and such meeting shall pass a resolution accordingly, it shall be lawful for the Assignee, when thereunto authorized by order of the Court, to execute such mortgage or pledge with or without powers of sale and other powers, and in such manner in all respects as shall be specified in such order, and the Court may order the execution of such mortgage or pledge by any other necessary parties and give all necessary directions for the purpose of carrying into effect the resolution of the creditors.

Pay of officers may be set aside for creditors.

76. The Court may order such portion of the pay, half-pay, salary, emolument, or pension of any bankrupt as, on communication from the Colonial Secretary or the chief officer of the department to which such bankrupt may belong, or may have belonged, or under which such pay, half-pay, salary, emolument, or pension may be enjoyed by such bankrupt, may officially sanction to be paid to the Assignee, to be applied in payment of the debts of such bankrupt; and such order and sanction being lodged in the office of the Treasurer, or of any other officer or person appointed to pay or paying any such pay, half-pay, salary, emolument, or pension, such portion of the said pay, half-pay, salary, emolument, or pension as shall be specified in such order and sanction shall be paid to such Assignee, until the Court shall make order to the contrary.

In cases of dispute, any party may apply to the Court for directions.

77. In case of any claim, dispute, or difference between the Official Assignee, the Creditors' Assignee, and the creditors, or any of such persons, or between any persons claiming under a trust deed, deed of composition, or arrangement, relating to any bankrupt's or debtor's estate, or to any money or property claimed as part of the estate of any bankrupt or debtor, either party may apply to the Court having jurisdiction in the bankruptcy, and it shall be lawful for the Court to determine the same, and to summon and examine upon oath the Official Assignee, or Creditors' Assignee, trustee, or any other person whomsoever, as to any matters and things concerning the bankruptcy or trust estate, and to direct such inquiries, and to give such directions, and make such orders relative thereto as shall to the Court seem just and expedient, and to award costs personally, or in any other manner, against the Official or Creditors' Assignee, trustee, or any other person: Provided that in all cases in which a resolution has been come to by a majority in number and value of the creditors assembled in a meeting, regard shall be had by the Court to such resolution, and the same shall not be varied or set aside by the Court, unless such resolution shall in the opinion of the Court be unjust, inequitable, and not fit to be binding and conclusive under this Act.

78. At any time after the expiration of twelve months from adjudication, or at any earlier period, with the approbation of the Court, the Assignees may sell by auction or tender, or with the sanction of the Court by private contract, all or any of the book debts due or growing due to the bankrupt, and the books relating thereto, and the goodwill of his trade or business, and assign the same to the purchaser; and such purchaser shall, by virtue of the assignment, have power to sue in his own name for the debts assigned to him, as effectually and with the same privileges concerning proof of the requisites of bankruptcy and other matters as the Assignee himself.

Power of assignees to sell by auction or private contract.

79. If the Creditors' Assignee shall wilfully fail to observe any of the directions herein contained, or shall be guilty of any neglect in the performance of his duty, or it shall be made to appear to the Court, on the application of two or more creditors, that it would be for the benefit of the estate that such Creditors' Assignee should not continue to have the management and administration of the bankrupt's estate, it shall be lawful for the Court either to appoint an Official Assignee to act jointly with such Creditors' Assignee, or to remove such Creditors' Assignee, or to appoint an Official Assignee to administer the estate under the bankruptcy.

Creditors' Assignee to be removed.

As to Procedure after Adjudication.

80. Immediately upon adjudication it shall be the duty of the Official Assignee to take possession of the bankrupt's estate, and to retain possession thereof until the appointment of a Creditors' Assignee; but if such Official Assignee, or if the Court upon the representation of any creditor, shall be of opinion that the keeping possession of the bankrupt's property is not requisite for the due protection of the creditors, such possession shall not be continued.

Official Assignee may enter into possession.

81. At the time of the adjudication the Court shall appoint a meeting of the creditors, of which ten days' notice shall be given in one or more of the papers circulating in the Colony, and which meeting shall be held at such time and place as the Court shall appoint; and at such meeting the Official Assignee shall preside and receive the proof of the debts of the creditors, and shall give to the meeting the fullest information in his power of the estate and effects of the bankrupt, and of the debts due from his estate.

First meeting of creditors.

82. At this meeting a majority in value of the creditors present shall determine whether any or what allowance for support shall be made to the bankrupt, and up to what time.

Allowance to bankrupt.

83. In case at such meeting, or at any other meeting of creditors, any proposal shall be made by or on behalf of the bankrupt which it shall appear to the major part in value of the creditors there

Proposals from bankrupt to be received.

present ought to be accepted, or if it shall appear to the majority in value of the creditors present at any meeting to be desirable on any ground to resolve, and such majority shall resolve, that no further proceedings be taken in bankruptcy, the meeting shall be adjourned for fourteen days, in order that notice of such resolution may be given to every creditor by the Official or Creditors' Assignee, which shall be done accordingly, by advertisement in one or more of the newspapers circulating in the Colony, for one week; and if at the adjourned meeting three-fourths in value of the creditors present shall so resolve, the proceedings in bankruptcy shall be suspended, and the estate and effects of the bankrupt shall be wound up and administered in such manner as such majority shall direct.

As to Warrants of Commitment.

Form of warrant
of commitment.

84. In any warrant of commitment issued by any Court under this Act, it shall not be necessary to set forth or specify any question or any part of the examination of the person so committed, but it shall be sufficient to refer in the warrant to the examination or deposition of the person as remaining on the file of proceedings, and to specify in the said warrant the precise date of the examination or deposition so referred to, and such warrant shall be in the form contained in Schedule B to this Act: Provided, however, that in every case in which any person shall be so committed for refusing to answer, or for not fully answering any question put to him, every such question shall be specified in the examination or deposition of the person committed remaining on the file of proceedings so referred to as aforesaid; and provided also that a copy of the said examination or deposition so referred to shall be delivered personally to the person committed, within twenty-four hours next after his actual committal to prison, and in default of the said copy being delivered the person committed shall be discharged from custody either by the Court or by the Judge before whom such person may be brought by habeas corpus, with such costs (if any) as the said Court or Judge may deem fit.

No discharge for
mere want of form.

85. If any person so-committed shall sue forthwith any writ of habeas corpus in order to be discharged from such commitment, he shall not be discharged by reason of any mere matter of form; but if the Court or Judge before whom he shall be brought, upon inspection and consideration of the whole of the examination or deposition of such person, shall be of opinion that the answer or answers of such person is or are satisfactory, the Court or Judge may order the person so committed to be discharged.

As to the Choice of a Creditors' Assignee.

Creditors to choose
Assignees.

86. At the first meeting of creditors, or any adjournment thereof, it shall be competent to the majority in value of the creditors who

have proved debts to choose one or more creditor or creditors who has or have proved, to be the Assignee or Assignees of the bankrupt's estate and effects, and to be called the "Creditors' Assignee": Provided that the Court shall have power to reject any person so chosen who shall appear to such Court unfit to be such Assignee, and upon such rejection a new choice of Assignees shall be made.

87. Upon the appointment of the Creditors' Assignee the powers and duties of the Official Assignee shall cease and determine, and all the estate, both real and personal, of the bankrupt shall be divested out of the Official Assignee and vested in the Creditors' Assignee.

On appointment
duties of the
Official Assignee
to cease.

88. The Official Assignee shall forthwith render to the Creditors' Assignee a full and particular account or balance-sheet of the bankrupt, and of all receipts, payments, and other transactions of such Official Assignee, and also a list of all the creditors of the bankrupt who have proved their debts against the estate.

Official to account
to Creditors'
Assignee.

89. The Creditors' Assignee shall audit such account and may call for such information from the Official Assignee as he possesses concerning the estate. The account shall be audited in the presence of the Chief Justice or Commissioner, as the case may be. A copy of such account of the Official Assignee when audited shall, unless the Chief Justice or Commissioner, as the case may be, shall otherwise direct, be sent by post by the Creditors' Assignee to every creditor who has proved.

Audit of Official
Assignee's account.

90. The Court shall give such directions as it may deem expedient with respect to the custody and inspection of the books, papers, writings, and documents relating to the estate, and may authorize the Official Assignee to have the custody thereof, or any part thereof.

Orders as to the
custody of books,
etc.

91. No person shall be entitled as against the Official or Creditors' Assignee to withhold possession of the books of account of the bankrupt, or to claim any lien thereon.

No lien against
Assignees.

92. The creditors shall, at the meeting for choice of a Creditors' Assignee, determine what (if any) security shall be given by such Assignee. At the same meeting, or at any other meeting called for the purpose, the creditors may also determine whether a manager shall be appointed to collect and wind up the estate under the inspection of the Creditors' Assignee or of a committee of creditors, and may appoint such person, with such remuneration out of the estate, and generally upon such terms, for such period, and with such directions, as the majority shall think fit.

Creditors may
determine the
security to be
given by Assignee,
and whether a
manager shall be
appointed, and how.

93. When the election of an Assignee shall have been accepted by the person elected and confirmed by the Court, the Court shall, by certificate under the hand of the Judge or Commissioner and

Certificate of
appointment of
Creditors' Assignee.

the seal of the Court, to be called the "certificate of appointment," declare such Creditors' Assignee to have been duly elected, and appoint him to the said office accordingly. Such appointment shall be final, and shall not be subject to review or appeal, except as hereinafter provided, and a copy thereof, purporting to be under the seal of the Court, shall be received as evidence of such appointment in all Courts and places, without further proof.

Removal and
resignation of
Creditors' Assignee
and appointment of
new one.

94. A majority in number and value of the creditors may, at any meeting duly called for the purpose, remove the Creditors' Assignee or accept of his resignation, and one-fourth in value of the Creditors who have proved may at any time apply to the Court by petition for removal of the Creditors' Assignee, and if on the hearing of such petition the Court shall be of opinion that sufficient reason has been shown, it may remove such Creditors' Assignee and appoint a meeting of the creditors to be held for electing a new Creditors' Assignee; and if the Assignee shall die, resign, or be removed, or remain abroad for three months at any one time, any creditor may apply to the Court to appoint a meeting for electing a new Creditors' Assignee, and the Court may accordingly appoint a meeting, whereof at least seven days' previous notice shall be given in one of the papers circulating in the Colony, and at such meeting may elect a new Creditors' Assignee accordingly.

The election of new
Creditors' Assignee
to be conducted in
the same manner as
the election of the
first Assignee.

95. In all cases of the election of a new Creditors' Assignee the proceedings shall take place in the like manner as is hereinbefore provided in the case of the first election, and the new Creditors' Assignee shall be invested with the powers and perform the duties and be subject to the rules hereinbefore provided as to the Creditors' Assignee first chosen, and shall call to account such Creditors' Assignee, his heirs, executors, administrators, or assigns, as the case may require.

Order as to disposal
of books, etc.

96. When the affairs of the bankrupt are fully wound up, the Court may, subject to the direction of any General Order, make from time to time such orders as in each case seem fit respecting the disposal or custody of any books, papers, or documents relating to property or affairs in the possession or under the control of the Official or the Creditors' Assignee, or any other person.

As to the Last Examination.

Court to appoint
sitting for last
examination and
discharge.

97. The Court shall, forthwith after the choice of an Assignee by the creditors, appoint a public sitting on a day not later than sixty days from the date of such choice, and shall give notice of such sitting in such newspapers as the Court shall direct, for the bankrupt to pass his last examination, and also, unless the Court shall in any case otherwise direct, to make application for his discharge; but the Court shall have power to enlarge the time appointed for such sitting, or to adjourn the same.

98. The bankrupt shall prepare such statement of his accounts and in such form as General Orders or as the Court in any case shall direct, and shall subscribe such statement and file the same in Court ten days at least before the day appointed for the last examination or adjournment thereof, and such statement may before such last examination be amended from time to time as occasion shall require and the Court shall direct; and the bankrupt shall make oath of the truth of such statement whenever he shall be duly required by the Court to do so; and the last examination of the bankrupt shall in no case be passed unless his statement shall have been duly filed as aforesaid.

The bankrupt to prepare and file a statement of accounts.

99. The statement of accounts, when filed in Court, shall be open to the inspection of all creditors, who may take copies of and extracts from the same, subject to such regulations as General Orders shall direct.

Statement of accounts to be open to creditors.

100. In addition to such statement of his accounts, the Official and Creditors' Assignees shall prepare and file in Court, together with such statement, a report upon the state of affairs of the bankrupt, setting forth such facts and particulars as may be required by the Court, or such as they may deem important for the Court to be informed of.

Assistance in the preparation of the statement.

101. Every creditor of the bankrupt may, after the adjudication, prove his debt, by delivering or sending, before the appointment of the Creditors' Assignee, to the Official Assignee, and after such appointment, to the Creditors' Assignee, a statement of such debt, and of the account (if any) between the creditor and the bankrupt, together with a declaration signed by the creditor appended thereto, that such statement is a full, true, and complete statement of account between the creditor and the bankrupt, and that the debt thereby appearing to be due from the estate of the bankrupt to the creditor is justly due; and all bodies politic and public companies incorporated, or authorized to sue or bring actions, may prove by an agent, provided such agent shall in his declaration declare that he is such agent, and that he is authorized to make such proof; and such declaration, signed by such creditor and agent respectively as aforesaid, shall be in such form as General Orders shall direct.

As to proof of debts.

102. Any person who shall wilfully and corruptly make any declaration for proof of debt as aforesaid, knowing the same or the statement of accounts to which the same shall be appended to be untrue in any particular, shall be deemed guilty of a misdemeanour, and shall be liable to undergo the pains and penalties imposed upon persons guilty of wilful and corrupt perjury.

False declaration a misdemeanour.

103. Every creditor of the bankrupt may, also, after adjudication, prove his debt by deposition in Court or in Chambers, or before the

Proof in Court or in Chambers.

Registrar at any meeting of creditors, elsewhere than in Court, or by affidavit upon his own oath, or upon that of any clerk or other person in his employment: Provided that where such deposition or affidavit shall be made by any other person than the creditor, the deponent shall in his deposition or affidavit set forth that he is duly authorized by his principal to make the deposition or affidavit, and that it is within his own certain knowledge that the debt was incurred, and for the consideration stated, and that to the best of his knowledge and belief the debt still remains unpaid and unsatisfied.

Statement to be
examined by Regis-
trar and Assignee.

104. The Official or Creditors' Assignee, as the case may be, shall examine all the statements of accounts aforesaid, and compare the same with the books, accounts, and other documents of the bankrupt; and shall from time to time make out a list of the creditors who have proved their debts, stating the amount and nature of such debts, which list shall be open to the inspection of any creditor who has proved under the estate.

Examination of
alleged creditors.

105. The Court may, on the application of the Assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath, or otherwise, any person tendering or who has made a proof, and may summon any person capable of giving evidence concerning such proof, and in like manner, where the debt is tendered on affidavit or statement as hereinbefore provided, may summon and examine on oath, or otherwise, the person who has made the affidavit or statement, and any other person capable of giving evidence concerning the debt sought to be proved.

Proof for costs, etc.,
enforceable by
process of contempt.

106. A person entitled to enforce against the bankrupt payment of any money, costs, or expenses by process of contempt issuing out of any Court shall be entitled to come in as a creditor under the bankruptcy, and prove for the amount payable under the process, subject to such ascertaining of the amount as may be properly had by a taxation or otherwise.

Proportionate
payments.

107. In all cases in which the bankrupt is liable to pay any rent or other payment falling due at fixed or stated periods, and the adjudication of bankruptcy shall happen at any time other than one of such fixed or stated periods, it shall be lawful for the person entitled to such rent or other payment to prove for a proportionate part thereof, up to the day of the adjudication of bankruptcy, in such manner as if the said rent or payment grew due from day to day, and not at such fixed or stated periods as aforesaid.

Proof for
instalment.

108. If any bankrupt shall have contracted, before the filing of a petition for adjudication, any debt payable by way of instalments, the creditor may prove for the amount of such instalments remaining due at the time of such petition.

109. If any bankrupt shall at the time of adjudication be liable, by reason of any contract or promise, to a demand in the nature of damages which have not and cannot be otherwise liquidated or ascertained, it shall be lawful for the Court acting in prosecution of such bankruptcy to direct such damages to be assessed by a jury, either before itself or in a Court of law, and to give all necessary directions for such purpose; and the amount of damage, when assessed, shall be provable as if a debt due at the time of the bankruptcy: Provided that in case all necessary parties agree, the Court shall have power to assess such damage without the intervention of a jury or a reference to a Court of law.

Proof in respect
of unliquidated
damages.

110. The Court may at any time expunge or reduce a proof of debt on such application and such evidence as it shall think sufficient, and for that purpose may summon and examine upon oath, or otherwise, the person who has proved, and every person capable of giving evidence concerning the alleged debt, and may make such order as to the costs of any application as shall seem just.

How proof may
be expunged or
reduced.

As to the Discharge of the Bankrupt.

111. All classification of certificates shall be abolished; and in every case where the discharge of a bankrupt shall be suspended, such discharge, when allowed, shall simply state the period for which it was suspended, and the reasons for such suspension, and if the bankrupt shall have been sentenced to imprisonment by any Court under the provisions of this Act, the discharge shall also set forth the fact of such sentence and the period of such imprisonment.

Classification
of certificates
abolished.

112. After the bankrupt has passed his last examination, the Court shall proceed to consider the question of granting to him an order of discharge, and shall appoint a sitting for that purpose. Seven days' notice of such sitting shall be given in such newspapers as the Court shall direct. Fourteen days at least shall intervene between the day of passing the last examination and the day of such sitting. The Assignees, or any creditor who has proved, may be heard against such discharge.

Order of discharge.

113. In granting orders of discharge, the following rules shall be observed:—

Rules as to granting
orders of discharge.

- (1.) Every application for an order of discharge which is opposed shall be heard and decided by the Chief Justice or Commissioner, as the case may be:
- (2.) Although the application for discharge be not opposed, it shall be the duty of the Commissioner in cases brought before him to consider whether, having regard to the bankrupt's conduct relative to his trade, business, property, or

affairs, the manner in which his debts have been contracted, and the proceedings in the bankruptcy, there be any well-founded objection to an immediate order of discharge:

- (3.) If on the hearing of any application for an order of discharge the Assignee or any creditor shall allege, and with or if without such allegation the Court shall be of opinion that there is ground for charging the bankrupt with acts or conduct amounting to a misdemeanour under this Act, the Court shall appoint a day for trying the bankrupt on such charge, and if the bankrupt require it, shall summon a jury for such purpose, and the Attorney-General shall either conduct the prosecution himself or appoint some other so to do:
- (4.) If on such trial by a jury, or by the Court alone, the bankrupt shall be convicted of any offence by this Act made a misdemeanour, the Court shall, in addition to the punishment awarded for the offence, have power to direct that the order of discharge be either wholly refused or suspended during such time as it shall think fit:
- (5.) If the bankrupt shall not be accused of acts amounting to misdemeanour, or if he shall have been accused and acquitted, but in either case there shall be made, or appear to the Court to exist, objection to the granting of an immediate discharge, the Court shall proceed to consider the conduct of the bankrupt before and after adjudication, and the manner and circumstances in and under which his debts have been contracted; and if the Court shall be of opinion that the bankrupt has carried on trade by means of fictitious capital, or that he could not have had at the time when any of his debts were contracted any reasonable or probable ground of expectation of being able to pay the same; or that, if a trader, he has, with intent to conceal the true state of his affairs, wilfully omitted to keep proper books of account, or, whether trader or not, that his insolvency is attributable to rash and hazardous speculation, or unjustifiable extravagance in living, or that he has put any of the creditors to unnecessary expense by frivolous or vexatious defence to any action or suit to recover any debt or money due from him, the Court may either refuse an order of discharge, or may suspend the same from taking effect for such time as the Court may think fit.

Criminal prosecutions by order of the Court.

114. In every case of accusation against a bankrupt of acts amounting to a misdemeanour, it shall be competent to the Court to direct that the bankrupt be indicted, and prosecuted at the next Assizes.

115. In all other cases the order of discharge shall take effect immediately from its date, subject to the appeal hereinafter provided.

When order to take effect.

116. The order of discharge shall, upon taking effect, discharge the bankrupt from all debts, claims, or demands provable under his bankruptcy; and if thereafter he shall be arrested, or any action shall be brought against him for any such debt, claim, or demand, he shall be discharged upon entering an appearance, and may plead, in general, that the cause of action accrued before he became a bankrupt, and may give this Act and the special matter in evidence; and the order of discharge shall be sufficient evidence of the bankruptcy and the proceedings precedent to the order of discharge.

Effect of discharge.

117. If a bankrupt, after the order of discharge takes effect, be arrested or detained in custody for a debt, claim, or demand provable under his bankruptcy, where judgment has been obtained before the order of discharge takes effect, the Chief Justice shall, on proof of the order of discharge, and unless there appear good reason to the contrary, direct the officer who has the bankrupt in custody to discharge him, which shall be done accordingly, without fee.

Release of bankrupt when arrested after discharge.

118. The order of discharge shall not release or discharge any person who was a partner with the bankrupt at the time of the bankruptcy, or was then jointly bound, or had made any joint contract with him.

As to partners.

119. After the order of discharge takes effect, the bankrupt shall not be liable to pay or satisfy any debt, claim, or demand provable under the bankruptcy, or any part thereof, on any contract, promise, or agreement, verbal or written, made after adjudication; and if he be sued upon any such contract, promise, or agreement, he may plead, in general, that the cause of action accrued pending proceedings in bankruptcy, and may give this Act and the special matter in evidence.

Contract after filing of petition not binding on bankrupt.

120. The order of discharge shall discharge the bankrupt from the effects of any process issuing out of any Court, for contempt of any Court, for non-payment of money, or of costs or expenses in any Court, and from all costs which he would be liable to pay in consequence of or on purging his contempt; and a bankrupt in custody under any such process as aforesaid shall, on obtaining an order of discharge, be entitled to be discharged from such custody forthwith.

Discharge from contempt.

121. Any contract, covenant, or security made or given by a bankrupt or other person with, to, or in trust for any creditor, for securing the payment of any money as a consideration, or with intent to persuade the creditor to forbear opposing the order for discharge, or to forbear to petition for a rehearing of or to appeal

Consideration given to induce creditor to forbear opposition.

against the same, shall be void; and any money thereby secured or agreed to be paid shall not be recoverable, and the party sued on any such contract or security may plead, in general, that the cause of action accrued pending proceedings in bankruptcy, and may give this Act and the special matter in evidence.

Obtaining money, goods, etc., as an inducement to forbear opposition or to consent to allowance or discharge.

122. If any creditor of a bankrupt shall obtain any sum of money, or any goods, chattels, or security for money, from any person, as an inducement for forbearing to oppose, or for consenting to the allowance of the discharge of such bankrupt, or to forbear to petition for the recall of the same, every such creditor so offending shall forfeit and lose to the Crown for every such offence the treble value or amount of such money, goods, chattels, or security so obtained, to be recovered before the Court in such manner as General Orders shall direct.

Rehearing.

123. The order of discharge, whether suspended or not, shall not be reviewed by the Court, unless the Court see good cause to believe that the order was obtained on false evidence, or by reason of the suppression of evidence, or otherwise fraudulently; in any of which cases the Court may, if it think fit, upon the application of the bankrupt, or of a creditor who has proved, and subject to such deposit for costs, and to such notices, by advertisement, or otherwise, as the Court shall think fit, grant a rehearing of the matter, and rehear it accordingly; and upon rehearing, the Court shall make such order as shall seem just, in like manner as it might upon an original hearing.

If suspended on rehearing, subsequent creditors to prove first against subsequent property.

124. If on such rehearing the Court shall annul or suspend the order of discharge, all persons having bona fide become creditors of the bankrupt between the time of the order originally taking effect and the time of its being annulled or suspended, on rehearing shall, as against any property acquired by the bankrupt during the same period, and in priority to the original creditors, be admitted to prove and have dividends under the bankruptcy.

Order when to be drawn up.

125. The order of discharge shall not be drawn up until after the expiration of the time allowed for appeal, or if an appeal be brought, until after the decision of the Court of Appeal upon such appeal, and shall bear date either the day after the expiration of the time allowed for appeal or the day of the decision of the Court of Appeal, as the case may require.

Appeal against order of discharge.

126. At any time within thirty days after any order of discharge shall have been allowed, and subject to such order as to deposit of costs as General Orders shall direct, any creditor of the bankrupt, or any Creditors' Assignee, may, if the order of discharge has been made by the Commissioner, apply to the Chief Justice that such

order of discharge may be recalled and delivered up to be cancelled; and the Chief Justice may, on good cause shown, order such order of discharge to be recalled and cancelled.

127. The order of discharge shall be in such form as General Form of order.
Orders shall direct, and shall be under the hand of the Commissioner or Chief Justice and the seal of the Court, and notice of the granting thereof shall be advertised in one or more of the local papers.

As to Audit.

128. No public sitting of the Courts shall be held for the sole No public sitting for audit.
purpose of auditing the accounts of the Assignees, but such accounts shall be audited in such manner as is herein provided or as General Orders shall direct.

As to Dividend.

129. At the expiration of four months from the date of the Dividend.
adjudication of bankruptcy, or as much earlier as the Court shall appoint, the Creditors' Assignee shall submit to a meeting of creditors to be called for that purpose, and to be held before the Registrar, of which meeting ten days' notice shall be given in the local newspapers, a statement of the whole estate of the bankrupt as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being so outstanding, and of all the receipts and all payments thereout made or to be made; and the Creditors' Assignee shall and any creditor who has proved may attend and examine such statement, and compare the receipts with the payments; and upon ascertaining what balance is then in the Court to the credit of the estate, the meeting shall by resolution declare whether any and what part of the net produce of the estate, after making a reasonable deduction for future contingencies, shall be divided amongst the creditors. At the same meeting the creditors shall determine whether any and what allowance shall be made to the bankrupt out of his estate, if he has obtained or shall obtain a discharge.

130. If upon such examination it shall appear that the Creditors' Assignee not to keep money in his hands.
Assignee has kept in his hands at any time during the space of one week more than the sum of fifty pounds belonging to the estate, the creditors may, upon establishing such fact to the satisfaction of the Court, and if the Assignee shall not show cause to the contrary, debit such Assignee with interest for the amount so kept, at any rate not exceeding twenty pounds per centum by the year, for the time such moneys were kept in his hands.

131. In the calculation of a dividend it shall be imperative to Where creditors reside at a distance.
make provision for debts which shall appear from the bankrupt's balance-sheet to be due to persons resident in places so distant from

the Court that in the ordinary course of communication they have not had sufficient time to tender their proofs or to establish them if disputed, and also for debts the subject of claims not yet determined by the Court.

Joint and separate
dividend meetings.

132. In every case where joint and separate estates have to be administered, and where the Court shall not otherwise direct, dividends of the joint and separate estates shall be declared at one and the same meeting, and notice of the time appointed for such dividends, when advertised, shall be given in one and the same advertisement, and the costs, charges, and expenses of and incident to the meeting shall be apportioned by the Assignee between the joint and separate estates as may appear to be fair and reasonable, having regard to the work done for and the benefit received by each estate; and a single fee and no more shall be payable to the solicitor to the estate in respect of the meeting.

Dividend list to be
prepared by
Creditors' Assignee.

133. Within ten days after such meeting, or within such further time as the Court may allow, the Creditors' Assignee shall prepare lists of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved under the estate (subject to the provision herein contained as to dividends reserved) the dividend to which he is entitled out of the net produce of the estate so set apart for a dividend, and shall forward by post to every such creditor a statement of the dividend to which he is so entitled, and such dividends shall be paid at the Registrar's office, or otherwise in such manner as General Orders shall direct.

Like proceedings at
successive periods
of four months.

134. The like proceedings for the making-up and auditing of the accounts of the estate, and the declaration and payment of a dividend, which are herein directed to be had at the expiration of four months from the adjudication of bankruptcy, shall be had at the successive expirations of every period of four months, or earlier, as the case may be, until the whole of the estate is divided amongst the creditors, and a dividend is declared to be final: Provided that it shall be lawful for any such meeting of creditors as aforesaid to postpone the period of declaring a dividend, or at any time in declaring a second dividend to declare also that such second dividend shall be final, unless any action at law or suit in equity be depending, or any part of the estate be standing out, not sold or disposed of, unless some other estate or effects of the bankrupt shall afterwards come to the Assignee, in which case he shall, as soon as may be, convert such estate and effects into money, and within two months after the same shall be so converted the same shall also be divided in manner aforesaid.

As to the Discharge of the Creditors' Assignee.

Creditors to pass a
resolution on the
conduct of the
Creditors' Assignee.

135. After a final dividend shall have been declared and paid, the Creditors' Assignee shall call a meeting of the creditors to

consider his application for a discharge, and at such meeting he shall lay before the creditors his books and papers of accounts, and all the documents relating to the bankrupt's estate and useful to be laid before the creditors for the purpose of enabling them to consider the conduct and management thereof and the creditors shall then come to a resolution expressing their opinion of the conduct of the Creditors' Assignee; and the Creditors' Assignee may thereafter apply to the Court for an order of discharge, and the Court shall thereupon take into consideration the accounts of the Creditors' Assignee, and the said resolution of the creditors expressing their opinion of his conduct, and may hear the Creditors' Assignee and any of the creditors for or against such order, and may direct such inquiries and call for such evidence as the Court may think fit; and the Court shall thereupon make such order of discharge, with or without conditions, or refuse the same, or generally make such order as to the Court shall seem fit and the justice of the case shall require.

after which the Creditors' Assignee may apply to the Court for a discharge.

136. The order of discharge shall operate to release the Creditors' Assignee from all claims and demands of the creditors, or of any person who might have proved under the bankruptcy, subject, nevertheless, to such conditions (if any) as shall be expressed in such order of discharge.

Effect of discharge.

137. Every Creditors' Assignee shall, before his discharge, transmit to the Official Assignee a list of unclaimed dividends on the estate, and of all debts remaining due to the estate, under his hand; and shall pay all moneys and other estate of the bankrupt then in his hands into the Court, to the credit of the estate.

Unclaimed dividends to be paid into Court.

138. When the Creditors' Assignee has obtained an order of discharge in manner herein provided, the Official Assignee appointed in the matter in bankruptcy shall, as to any estate and effects of the bankruptcy not realized at the time of such order of discharge, and as to all debts remaining uncollected, and which shall not have been sold in manner herein provided, represent the estate in all respects as the sole Assignee thereof, and shall have and exercise all the rights, duties, powers, and authorities conferred by this Act upon Official and Creditors' Assignees.

Official Assignee to act after discharge of Creditors' Assignee.

139. All unclaimed dividends and all moneys unclaimed, the produce of any bankrupt estate, shall, after the expiration of the period of twelve months from the dividend having been declared, or from the time at which any other moneys unclaimed shall have come to the hands of the Assignee, be paid unto the Treasurer, and shall be placed by him to the credit of the Accountant in Bankruptcy, in an account to be intituled the "Unclaimed Dividend

Unclaimed dividends.

Account," which shall be subject to the order of the Court for the payment thereof of any dividend due to any creditor, or for the distribution of any such other unclaimed money.

As to Change from Bankruptcy to Arrangement.

Majority of creditors may resolve that estate may be wound up out of Court.

140. At the first meeting of creditors held after adjudication in manner herein provided, or at any meeting to be called for the purpose, and of which ten days' notice shall have been given in one of the local papers, three-fourths in value of the creditors present or represented at such meeting may resolve that the estate ought to be wound up under a deed of arrangement, composition, or otherwise, and that an application shall be made to the Court to stay proceedings in the bankruptcy for a period not exceeding two months.

Resolution to be reported to the Court.

141. The Official Assignee shall report such resolution to the Court within four days from the date of such resolution, and the bankrupt, or any creditor nominated in that behalf by the meeting, may then apply to the Court that the proceedings in bankruptcy may be stayed in the terms of such resolution; and the Court, after hearing the bankrupt and such creditors as may desire to be heard for or against the resolution, and if it shall find that the resolution was duly carried, and that its terms are reasonable, and calculated to benefit the general body of the creditors under the estate, shall confirm the same, and make order accordingly; and in such order shall give such directions as to the interim management of the estate as it shall deem expedient.

Deed of arrangement to be produced to the Court.

142. If the proceedings in bankruptcy be stayed as herein provided, the bankrupt, or any creditor nominated in that behalf by the meeting aforesaid, may at any time within the period during which the proceedings are so stayed produce to the Court a deed of arrangement signed by or on behalf of three-fourths in value of all the creditors of the bankrupt; and the Court may consider the same, and may examine on oath the bankrupt and any of the creditors who may desire to be heard in support of or opposition to the deed, and may make such other inquiry as it may think necessary; and if the Court shall be satisfied that the deed has been duly entered into and executed, and that its terms are reasonable and calculated to benefit the general body of the creditors under the estate, it shall by order make a declaration for the complete execution of the deed, and shall direct the same to be registered with the Registrar, and shall also, if the Court think fit, annul the bankruptcy; and such deed shall be thereafter as binding in all respects on any creditor who has not executed the deed as if he had executed it, provided such deed be registered with the Registrar in manner directed by the order.

143. Either before or after such order, the Court shall have jurisdiction to entertain any application of the bankrupt, or of any party to the deed, or of any creditor or person claiming to be a creditor, respecting the disclosure, distribution, inspection, conduct, management, or winding-up of the bankrupt's estate and affairs, or any act or thing relating thereto, or respecting the execution of any of the trusts or provisions of the deed, or the audit or examination of the accounts of a trustee or inspector, or the taxation or examination of the costs or charges of any attorney, solicitor, accountant, auctioneer, broker, or other person acting or employed under the deed, or generally for the decision of any dispute or question; and shall also have jurisdiction to entertain any application of any such person as aforesaid respecting any matter for the submission whereof to the Court provision is made by the deed, or any matter arising between any of the said persons and any other person appearing and submitting to the jurisdiction of the Court; and the Court shall determine all questions arising under the deed according to the law and practice in bankruptcy, so far as they may be applicable, and on entertaining any such application shall have power to make all such orders as shall seem just, and to enforce all such orders as in bankruptcy.

Court to have jurisdiction to entertain applications.

144. The Court shall have power, for the purpose of any application under these provisions, or for the better execution of any powers given to the Court thereby, to summon and to examine upon oath, or otherwise, the bankrupt and any party to the deed, and any creditor or person claiming to be a creditor, and any person known or suspected to have any of the estate in his possession, or any person supposed to be indebted to the estate, or whom the Court may deem capable of giving any information material to the full disclosure of the debtor's transactions and affairs, or to the carrying into effect the provisions of the deed; and the Court may exercise, as to the examination of such persons and the production by them of such books, papers, deeds, or documents as it shall deem requisite, the same powers that are vested in the Court with relation to the examination of persons and witnesses, and the production of books, papers, deeds, and documents in matters of bankruptcy.

Power of the Court to summon and examine.

145. If the resolution aforesaid shall not be duly reported, or if the Court shall refuse the application to stay proceedings, or if the deed of arrangement shall not be duly produced, or if upon its production the Court shall not think fit to approve thereof, the bankruptcy shall proceed as though no such resolution had been passed, and the Court may make all necessary orders for resuming the proceedings in bankruptcy, and the period of time which shall have elapsed between the date of such resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this Act.

Where bankruptcy to be continued or to be resumed.

Where bankruptcy
annulled.

146. If the bankruptcy be annulled as herein provided, the order annulling the same shall be filed with the proceedings, and notice thereof shall be given in one of the local papers.

*As to Trust Deeds for Benefit of Creditors, Composition, and
Inspectorship Deeds executed by a Debtor.*

Trust deeds, when
valid.

147. Every deed or instrument made or entered into between a debtor and his creditors or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor and his release therefrom, and the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be as valid and effectual and binding on all the creditors of such debtor as if they were parties to and had duly executed the same; provided the following conditions be observed, that is to say:—

- (1.) Three-fourths in value of the creditors of such debtor, whose debts shall respectively amount to ten pounds and upwards, shall, before or after the execution thereof by the debtor, in writing, assent to or approve of such deed or instrument:
- (2.) If a trustee or trustees be appointed by such deed or instrument, such trustee or trustees shall execute the same:
- (3.) The execution of such deed or instrument by the debtor shall be attested by an attorney or solicitor:
- (4.) Immediately on the execution thereof by the debtor, possession of all the property comprised therein, of which the debtor can give or order possession, shall be given to the trustees:
- (5.) Within twenty-eight days from the day of the execution of such deed or instrument by the debtor, the same shall be produced and left at the office of the Registrar for the purpose of being registered:
- (6.) Together with such deed or instrument there shall be delivered to the Registrar an affidavit by the debtor or some person able to depose thereto, or a certificate by the trustee or trustees, that three-fourths in value of the creditors of the debtor, whose debts respectively amount to ten pounds or upwards, have in writing assented to or approved of such deed or instrument, and also stating the amount in value of the property and credits of the debtor comprised in such deed.

On fulfilment of the conditions aforesaid, such deed or instrument shall be valid and effectual.

Particulars of deed
to be entered by
the Registrar.

148. The date, names, and description of the parties to every such deed or instrument, together with a short statement of the nature and effect thereof, shall be entered by the Registrar in a book

to be kept exclusively for the purposes of such registration. Such entry shall be made within forty-eight hours after the deed shall have been left with the Registrar as aforesaid, and a copy of such entry shall be published in one of the local newspapers within four days after the making of such entry.

149. Every deed, instrument, or agreement whatsoever, by which a debtor, not being a bankrupt, conveys or covenants or agrees to convey his estate and effects, or the principal part thereof, for the benefit of his creditors, or makes any arrangement or agreement with his creditors, or any person on their behalf, for the distribution, inspection, conduct, management, or winding-up of his affairs or estate, and the release or discharge of such debtor from his debts or liabilities, shall within twenty-eight days from and after the execution thereof by such debtor, or within such further time as the Court shall allow, be registered in the Court of Bankruptcy, and in default thereof shall not be received in evidence.

Deed to be registered.

150. Every such deed, on being so registered as aforesaid, shall have a memorandum thereof written on the face of such deed, stating the day and the hour of the day at which the same was brought into the office of the Registrar for registration.

Memorandum of particulars.

151. From and after the registration of every such deed or instrument in manner aforesaid, the debtor, and creditors, and trustees, parties to such deed, or who have assented thereto or are bound thereby, shall, in all matters relating to the estate and effects of such debtor, be subject to the jurisdiction of the Court of Bankruptcy, and shall respectively have the benefit of and be liable to all the provisions of this Act, in the same or like manner as if the debtor had been adjudged a bankrupt, and the creditors had proved, and the trustees had been appointed Creditors' Assignees under such bankruptcy; and the existing or future trustees of any such deed or instrument and the creditors under the same shall, as between themselves respectively, and as between themselves and the debtor, and against third persons, have the same powers, rights, and remedies with respect to the debtor and his estate and effects, and the collection and recovery of the same, as are possessed or may be used or exercised by Assignees or creditors with respect to the bankrupt or his acts, estate, and effects in bankruptcy; and, except where the deed shall expressly provide otherwise, the Court shall determine all questions arising under the deed, according to the law and practice in bankruptcy, so far as they may be applicable, and shall have power to make and enforce all such orders as it would be authorized to do if the debtor in such deed had been adjudged bankrupt and his estate were administered in bankruptcy.

Jurisdiction of the Court.

152. After notice of the filing and registration of such deed has been given as aforesaid, no execution, sequestration, or other process

Protection to debtor.

against the debtor's property in respect of any debt, and no process against his person in respect of any debt, other than such process by writ or warrant as may be had against a debtor about to depart out of the Colony, shall be available to any creditor or claimant without leave of the Court, and a certificate of the filing and registration of such deed, under the hand of the Registrar and the seal of the Court, shall be available to the debtor for all purposes as a protection in bankruptcy.

Stay of proceedings. **153.** In case any petition shall be presented for an adjudication in bankruptcy against a debtor after his execution of such deed or instrument as is hereinbefore described, and pending the time allowed for the registration of such deed or instrument, all proceedings under such petition may be stayed if the Court shall think fit; and in case such deed or instrument shall be duly registered as aforesaid the petition shall be dismissed.

Where creditors not known.

154. If a debtor cannot obtain the assent of three-fourths in value of his creditors, by reason of his being unable to ascertain by whom bills of exchange, promissory notes, or other negotiable securities, accepted, drawn, made, or endorsed by him are holden, or by reason of the absence of creditors in a foreign country, or other similar circumstances, it shall be sufficient if he obtain the consent of three-fourths in number and value of all his other creditors to such deed or instrument as aforesaid: Provided that in either of such cases the affidavit or certificate of the trustee or trustees shall state the circumstances of the case; and provided the deed or instrument be in such form as is expressed in Schedule C to this Act annexed, which shall vest all the estate and effects of the debtor in the trustees of such deed; and provided that all such other conditions as are hereinbefore required be duly complied with.

As to Persons of Unsound Mind.

Adjudication against lunatic debtor.

155. If any person of unsound mind shall be in prison for debt, the gaoler shall forthwith require a Justice of the Peace to visit such debtor, and to inquire into his state of mind; and if such Justice shall be satisfied from his own view, and upon examination on oath of competent witnesses, that such debtor is of unsound mind, he shall certify the same to the proper Court, and thereupon the Court may appoint some person to represent such debtor, and direct such proceedings to be taken for adjudication in bankruptcy against him as the Court shall think fit; and all proceedings under such adjudication shall be had and carried on in the same manner and with the like effect as if such prisoner had been of sound mind, and had presented a petition to the Court for adjudication of bankruptcy, or as near thereto as the difference of circumstances will permit.

Proceedings as under ordinary adjudication.

As to Notices.

156. All notices by this Act or by General Orders required to be served on any person may be sent by post, addressed to the last-known place of abode or business of such person, subject to such regulations and otherwise as such General Orders shall direct: Provided that this present clause shall not apply to or affect notices by this Act or by any General Order required to be personally served.

Notice to be sent by post.

157. General Orders respecting the form and contents of notices in the local newspapers, and otherwise, may provide for notices concerning more bankruptcies than one being comprised in one advertisement.

Advertisements.

As to Evidence.

158. Any petition for adjudication, or arrangement, or distribution, adjudication of bankruptcy, or order for distribution, assignment, appointment of Official or Creditors' Assignee, certificate, deposition, or other proceeding or order in bankruptcy, or under any of the provisions of this Act, appearing to be sealed with the seal of any Court under this Act, or any writing purporting to be a copy of any such document, and purporting to be so sealed, shall at all times, and on behalf of all persons, and whether for the purposes of this Act or otherwise, be admitted in all Courts whatever as evidence of such documents respectively, and of such proceedings and orders having respectively taken place or been made, and be deemed respectively records of such Court, without any further proof thereof; and no such document or copy shall be receivable in evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided.

Proceedings purporting to be sealed with the seal of the Court receivable in evidence.

159. All Courts, Judges, Justices, and persons judicially acting, and other officers, shall take judicial notice of the signature of the Chief Justice, or of any Commissioner or Registrar of the Court, and of the seal of the Court, subscribed or attached to any judicial or official proceeding or document to be made or signed under the provisions of this Act.

Judicial notice to be taken of signature of Judge or Registrar and of the seal of the Court.

160. If any person shall forge the signature of the Chief Justice or of any Commissioner or Registrar, or shall forge or counterfeit the seal of the Court, or knowingly concur in using any such forged or counterfeit signature or seal for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such Chief Justice, Commissioner, or Registrar, or a false or counterfeit seal of the Court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, every such person shall

Forging signature of Commissioner or officer, or the seal of the Court.

be guilty of felony. Any affidavit of any prisoner in any of Her Majesty's prisons or gaols to be used in any matter under this Act may be sworn before the gaoler of such prison or gaol; and every such gaoler is hereby required and authorized to administer the oath upon any such affidavit without fee or reward.

Bankrupt and bankrupt's wife to be examined upon declaration and oath.

161. All bankrupts shall, and the wives of such bankrupts shall, when so required by the Court, make and sign the declaration contained in the Schedule D to this Act, but such declaration shall not in any case exempt such bankrupt or bankrupt's wife from being examined upon oath if the Court or any creditors shall so require.

As to Powers of the Court in aid of the Court of Chancery.

Chief Justice to make general rules for the following purposes, viz.:

162. The Chief Justice shall, with such advice and consent as aforesaid, make such General Orders and Regulations for the several purposes hereinafter specified, or any of them, as he shall think fit, that is to say:—

For taking down evidence.

For making provision for taking down the evidence and examination to be taken under the authority of this Act, and for providing for the filing, depositing, and preservation of the examinations, depositions, affidavits, proceedings, certificates, and reports under any reference, and the means of access to and obtaining copies of the same.

Rules of examination

163. The same rules shall prevail in regard to the examination and depositions of witnesses as for the time being shall be in force with regard to the examination and depositions of witnesses in the Court of Chancery.

Perjury.

164. Any person who shall before such Commissioner or Registrar wilfully give false evidence, or wilfully swear, affirm, declare, or attest falsely in any examination, affidavit, or deposition, shall be liable to the penalties and consequences of wilful and corrupt perjury.

As to Costs.

Costs

165. The Court acting under this Act may, in all matters before it, award such costs as shall seem fit and just; and all costs so awarded shall be recoverable in the same manner as costs awarded by a rule of the Supreme Court may be recovered, and the like remedies may be had upon an order of such Court for costs as upon a rule of the said Supreme Court for costs; but no such order shall affect any lands, tenements, or hereditaments, as to purchasers, mortgagees, or creditors, unless and until it shall be registered under the provisions of the "Land Registry Act, 1860," and if necessary reregistered in like manner as (in order to bind such purchasers, mortgagees, or creditors) it must have been if it had originally been a judgment or rule obtained or entered up in the Supreme Court.

As to Misdemeanours under this Act.

166. From and after the commencement of this Act, any bankrupt who shall do any of the acts or things following, with intent to defraud or defeat the rights of his creditors, shall be guilty of a misdemeanour, and shall be liable, at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing Statute:—

Misdemeanours.

- (1.) If he shall not on the day limited for his surrender and before three of the clock of such day, or at the hour and upon the day allowed him for finishing his examination, after notice thereof in writing, to be served upon him personally or left at his usual or last-known place of abode or business, and after the notice herein directed in the local newspapers, surrender himself to the Court (having no lawful impediment allowed by the Court) and sign or subscribe such surrender and submit to be examined before such Court from time to time:
- (2.) If he shall not upon his examination fully and truly discover, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned, or transferred any part thereof, except such part as has been really and bona fide before sold or disposed of in the way of his trade or business (if any), or laid out in the ordinary expense of his family, or shall not deliver up to the Court, or dispose as the Court directs, of all such part thereof as is in his possession, custody, or power, except the necessary wearing-apparel of himself, his wife, and children, and bedding and other necessities of himself and family, and his working tools and implements, not exceeding in the whole the value of twenty-five pounds; and deliver up to the Court all books, papers, and writings in his possession, custody, or power relating to his property or affairs:
- (3.) If he shall, after adjudication or within sixty days prior to adjudication, with intent to defraud his creditors, remove, conceal, or embezzle any part of his property to the value of ten pounds or upwards:
- (4.) If, in case any person having to his knowledge or belief proved a false debt under his bankruptcy, he shall fail to disclose the same to his Assignee within one month after coming to the knowledge or belief thereof:
- (5.) If he shall, with intent to defraud, wilfully and fraudulently omit from his schedule any effects or property whatsoever:

- (6.) If he shall, after the filing of the petition for adjudication, with intent to conceal the state of his affairs, or to defeat the object of the law of bankruptcy, conceal, prevent, or withhold the production of any book, deed, paper, or writing relating to his property, dealings, or affairs:
- (7.) If he shall, after the filing of the petition for adjudication, or within three months next before adjudication, with intent to conceal the state of affairs, or defeat the objects of the law of bankruptcy, part with, conceal, destroy, alter, mutilate, or falsify, or cause to be concealed, destroyed, altered, mutilated, or falsified, any book, paper, writing, or security, or document relating to his property, trade, dealings, or affairs, or make or be privy to the making of any false or fraudulent entry or statement in, or omission from, any book, paper, document, or writing relating thereto:
- (8.) If within the like time he shall, knowing at the time he is unable to meet his engagements, fraudulently, and with intent to diminish the sum to be divided amongst the general body of his creditors, or to give an undue preference to any of his creditors, have paid or satisfied any such creditor wholly or in part, or have made away with, mortgaged, encumbered, or charged any part of his property of what kind soever, or if after adjudication he shall conceal from the Court or his Assignee any debt due to or from him:
- (9.) If, being a trader, he shall, under his bankruptcy, or at any meeting of his creditors within three months next preceding the filing of the petition for adjudication, have attempted to account for any of his property by fictitious losses or expenses:
- (10.) If, being a trader, he shall, within three months next before the filing of the petition for adjudication, under the false colour and pretence of carrying on business and dealing in the ordinary course of trade, have obtained on credit from any person any goods or chattels with intent to defraud.

Power of Judge
and Commissioner.

167. If it shall at any time appear to any Court, under this Act, that the bankrupt has been guilty of any of the offences in the next preceding section set forth, such Court shall have and may exercise such jurisdiction, rights, powers, and privileges for the summoning, apprehending, committing, remanding, bailing, and otherwise proceeding in respect of such bankrupt as are exercised by and vested in Her Majesty's Justices of the Peace in respect of persons against whom a charge or complaint shall have been made before any one or more of the said Justices, in respect of any felony or indictable

misdeemeanour committed within the limits of the jurisdiction of such Justice or Justices.

168. In any indictment or information for any misdemeanour Indictment. under this Act, it shall be sufficient to set forth the substance of the offence charged, without alleging or setting forth any debt, act of bankruptcy, petition, or adjudication, or any summons, warrant, order, rule, or proceeding of or in any Court acting under this Act.

169. If any person shall disobey any rule or order of the Court Persons disobeying order of Court. duly made for enforcing any of the purposes and provisions of this Act, the Court may, by warrant in form contained in the Schedule E to this Act annexed, commit the person so offending to the Queen's prison or to the common gaol, there to remain without bail or main-prize until such Court or the Court of Appeal, in case such commitment be ordered by any Commissioner, shall make order to the contrary.

As to the Definition and Explanation of Terms.

170. The terms and words hereinafter enumerated or explained, Definition of terms. wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided or there be something in the subject or context repugnant to such definition or explanation; that is to say:—

“Annulling” shall mean also “superseding”: “Annulling.”

“Assignee” shall mean the Assignee of the estate and effects “Assignee.” of the bankrupt or petitioner, chosen by the creditors, and until such Assignee shall be chosen, or where no such Assignee shall exist, shall mean the Official Assignee:

“Bankrupt” shall mean any person who shall be by any Court “Bankrupt.” under the provisions of this Act adjudicated bankrupt:

“Court,” “the Court,” “the Courts,” shall mean the Supreme “Court.” Court of Civil Justice sitting in bankruptcy, and also the Court over which the Commissioner shall preside:

“Creditor” shall also mean any two or more persons being “Creditor.” partners, and incorporated and joint-stock companies:

“Creditors present at any meeting” shall include creditors “Creditors present at any meeting.” who are represented by some person duly authorized by any such creditor in writing:

“Gaoler” shall include the keeper or governor of any gaol or “Gaoler.” prison:

“Oath,” “affidavit,” shall mean and include the declaration or “Oath.” affirmation of any person whom any Act of the Legislature “Affidavit.” shall have authorized to make such declaration or affirmation in lieu of an oath:

“Petition for adjudication” or “petition in bankruptcy” shall “Petition for adjudication of bankruptcy.” mean any petition by or against a debtor for adjudication of bankruptcy:

"Petitioning creditor."	"Petitioning creditor" shall mean the creditor who filed the petition for adjudication:
"Property."	"Property" shall mean and include all the real and personal estate and effects of the petitioner or bankrupt within this Colony and abroad (except as herein provided), and all the future estate, right, title, interest, and trust of such petitioner or bankrupt in or to any real or personal estate and effects within this Colony or abroad, which may revert, descend, or be devised, or bequeathed, or come, and all debts due or to be due to him before he shall have obtained his discharge:
"Prisoner."	"Prisoner" shall mean any person in actual custody within the walls, rules, or liberties of any prison in the Colony of Vancouver Island for any debt, damages, costs, sum or sums of money, or for any contempt by reason of non-payment of any sum or sums of money or costs:
"Suit."	"Suit" shall include action at law and suit in equity or other proceeding:
"Trader."	For the purposes of this Act, all persons shall be deemed traders who prior to the commencement of this Act would have been liable to be adjudicated bankrupt under the laws of bankruptcy then in force:
"Computation of time."	In all cases in which any particular number of days is prescribed by this Act, or shall be mentioned by any rule or order of Court which shall at any time be made under this Act, for the doing of any act or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, or a day appointed for a public fast or thanksgiving, and on such other days as the Chief Justice may appoint by General Orders, in which case the time shall be reckoned exclusive of that day also:
"Number and gender."	Words importing the singular number, or the masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, and females as well as males; and words importing the plural number shall be understood to apply to one matter as well as more than one, and to one person as well as more than one.

Repeal of Acts.

171. The Acts and parts of Acts set forth in Schedule F to this Act, to the extent to which they are therein expressed to be repealed, and all other Acts or parts of Acts which are inconsistent with this Act are repealed; but such repeal shall not affect any proceeding pending, or any right that has arisen or may arise, or any penalty

incurred or that may be incurred, in respect of any transaction, act, matter, or thing done or existing prior to or at the commencement of this Act, under or by virtue of any of the Acts or parts of Acts repealed.

172. This Act, except where otherwise specially provided, shall commence and take effect from and after the first day of March, one thousand eight hundred and sixty-two, and may be cited for all purposes as the "Bankruptcy Act, 1862."

Act to take effect
1st day of March,
1862.

SCHEDULE A.

DOCUMENT.

	£	s.	d.	
Every petition presented to the Court of Bankruptcy for adjudication of bankruptcy, or for arrangement between any debtor and his creditors, or for the distribution of the estate and effects of a deceased debtor	5	0	0	Amended by order of Court of 11th June, 1870. (See Appendix.)
Every such petition when presented to the Court by traders whose debts do not exceed £300	1	0	0	
Every order of discharge	1	0	0	
Every declaration of insolvency	2	6		
Every registration of trust deeds	10	0		
Every summons of judgment debtor or debtors	2	6		
Every admission of such debtor	2	6		
Every deposition of good defence	2	6		
Every bond with sureties	5	0		
Every application for search for petition or other proceeding	1	0		
Every application for appointment of any private sitting or meeting in any matter under this Act	5	0		
Every allocatur by an officer of the Court for any costs, charges, or disbursements, where such bill of costs shall not exceed £5.....	1	6		
Exceeding £ 5, and not exceeding £ 10.....	2	6		
" 10 " " 20.....	5	0		
" 20 " " 30.....	7	6		
" 30 " " 50.....	10	0		
" 50 " " 100.....	15	0		
" 100 " " 150.....	1	0	0	
" 150 " " 200.....	1	10	0	
" 200 " " 300.....	2	0	0	
" 300 " " 500.....	3	0	0	
" 500.....	5	0	0	

SCHEDULE B.

"BANKRUPTCY ACT, 1862."

(IN BANKRUPTCY.)

WARRANT OF COMMITTAL OF BANKRUPT OR OTHER PARTY FOR UNSATISFACTORILY
ANSWERING OR FOR REFUSING TO SIGN HIS EXAMINATION.

Court of Bankruptcy.

Whereas *G. H.*, of _____, in the District of _____, was on the
day of _____ duly sworn and examined in this Court, and the said
was again on the _____ day of _____ duly sworn and examined in this
Court, as by the examination and deposition of the said _____, now on the
file of proceedings in this matter, will appear:

And whereas the answers of the said _____, as now so appearing in said
examination and deposition, are unsatisfactory [*or the said _____ refused to
sign and subscribe this said examination and deposition*]:

These are therefore to authorize and require you, immediately upon the
receipt hereof, to take into your custody the said _____, and him safely
convey to Her Majesty's Prison of _____, and him there to deliver to the
Governor of the said Prison, who is hereby authorized and required to receive
the said _____ into his custody there, and him safely keep and detain, with-
out bail, until this Court, or the Court of Appeal in Chancery, sitting in
bankruptcy, shall make an order to the contrary.

And, for so doing, this shall be your sufficient warrant.

Given under the Seal of the Court this _____ day of _____, 18 ____.
J. K.,
Commissioner.

To _____, and to _____, Governor of }
the said Prison, or his Deputy there. }

SCHEDULE C.

This Deed, made the _____ day of _____, between *A. B.* [*the debtor*] and
C. D. and *E. F.* [*the trustees*] on behalf and with the assent of the undersigned
creditors of *A. B.*, witnesseth that *A. B.* hereby conveys all his estate and
effects to *C. D.* and *E. F.* absolutely, to be applied and administered for the
benefit of the creditors of *A. B.*, in like manner as if *A. B.* had been at the
date hereof duly adjudged bankrupt.

In witness whereof, etc.

Schedule of Creditors.

SCHEDULE D.

"BANKRUPTCY ACT, 1862."

FORM OF DECLARATION TO BE MADE BY THE BANKRUPT OR THE BANKRUPT'S
WIFE.

I, *A. B.*, the person declared a bankrupt under a petition for adjudication
of bankruptcy, filed on the day of _____, in the year of our Lord
[or I, *C. D.*, the wife of *A. B.*, declared a bankrupt under a petition for adjudi-
cation of bankruptcy filed on the _____ day of _____], do solemnly promise

and declare that I will make true answer to all such questions as may be proposed to me respecting all the property of the said *A. B.*, and all dealings and transaction relating thereto, and will make a full and true disclosure of all that has been done with the said property, to the best of my knowledge, information, and belief.

(Signed.) *A. B. [or C. D., the wife of the said A. B.]*

SCHEDULE E.

"BANKRUPTCY ACT, 1862."

WARRANT AGAINST ANY PERSON DISOBEYING ANY RULE OR ORDER OF COURT.

Whereas by a Rule [*or an Order*] of this Court, bearing date the day of , made for enforcing the purposes and provisions of the "Bankruptcy Act, 1862" [*or if of any other Act hereafter in force relating to the subject-matters of this Act, or made or entered into by consent, for carrying into effect any of such purposes or provisions, alter the recital accordingly*], it was ordered that [*etc., etc., as in the Rule or Order*]:

And whereas it is now proved that, after the making of the said Rule [*or Order*], that is to say, on this day of , a copy of the said Rule [*or Order*] was duly served on the said , personally, and the original Rule [*or Order*] at the same time shown to him, but the said then refused [*or neglected*] to obey the same, and hath not as yet obeyed the said Rule [*or Order*]:

These are therefore to will and require, and authorize you, immediately upon receipt hereof, to take into your custody the body of the said *A. B.*, and him safely convey to Her Majesty's Gaol [*or Prison*] of [*or called*], and him there to deliver to the Keeper of the said Prison, together with this precept, and the Keeper of the said Prison is hereby required and authorized to receive the said *A. B.* into his custody, and him safely to keep and detain, without bail or mainprise, until this Court, or the Court of Appeal in Chancery, sitting in bankruptcy, shall make order to the contrary.

And, for so doing, this shall be your sufficient warrant.

Given under my hand and the Seal of Court, at the Court of Bankruptcy, Victoria, this day of , in the year of our Lord one thousand eight hundred and .

A. B.,

Commissioner.

[*L.s.*]

To or his Assistant, and the Keeper }
of Her Majesty's Prison [*or Gaol*] of }
[*or called*], or his Deputy there. }

SCHEDULE F.

ACTS AND PARTS OF ACTS REPEALED.

Date of Act.	Title.	Extent of Repeal.
1 & 2 Vict., c. 110	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtor; and for amending the Laws for the Relief of Insolvent Debtors in England	The whole, except ss. 1 to 22, both inclusive.
5 & 6 Vict., c. 116	An Act for the Relief of Insolvent Debtors	The whole.
7 & 8 Vict., c. 96.	An Act to amend the Laws of Bankruptcy, Insolvency, and Execution.	Ss. 1 to 56, both inclusive.
10 & 11 Vict., c. 102	An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for Relief of Insolvent Debtors.	The whole, except s. 4.
12 & 13 Vict., c. 106	An Act to amend and Consolidate the Laws relating to Bankrupts.	Ss. 8, 16, 18, 26, 39, 44, 48, 52, 54, 56, 60, 62, 63, 64, 70, 72, 73, 91, 93, 139, 160, 164, 183, 185, 187, 188, 189, 190, 194, 195, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 211 to 231 (both inclusive), 251, 252, 253, 255, 256, 257, 258, 259, and such other parts of the said Act as may be inconsistent with this present Act.
15 & 16 Vict., c. 77	An Act to abolish the Office of Lord Chancellor's Chief Secretary of Bankruptcy, and to regulate the Office of Chief Registrar of the Court of Bankruptcy	S. 10.
17 & 18 Vict., c. 119	An Act for regulating appointments to Offices in the Court of Bankruptcy, and for amending the Laws relating to Bankrupts.	Ss. 3, 11, 12, 13, 14, 15, 20, 21, 22, 25, 26, 27.

Telegraph, United States and British Columbia, *10th March, 1864.*
 Telegraph, United States and Vancouver Island, *12th March, 1864.*

CHAPTER 23.

An Act to incorporate the Israelite Congregation named "The Emanuel of Victoria, Vancouver Island."

[*7th July, 1864.*]

WHEREAS a Congregation of Israelites of the City of Victoria, Preamble.
 being desirous of fulfilling the ordinances of their religion,
 have formed themselves into a congregation under the style of "The
 Emanuel of Victoria, Vancouver Island," and have established
 certain rules and articles embodied in articles of constitution for
 their government:

Be it therefore enacted by the Governor, on Her Majesty's behalf,
 by and with the consent and advice of the Legislative Council and
 Assembly of Vancouver Island and its Dependencies, as follows:—

1. That the existing members of the said congregation, and all
 such persons as from time to time hereafter may become the mem- Incorporation of
 the Congregational
 Emanuel.
 bers of the same according to the articles of constitution aforesaid,
 or any articles of constitution for the time being in force under the
 said constitution, shall be a body politic and corporate in deed and
 in law, by the name of "The Emanuel of Victoria, Vancouver
 Island," for carrying into effect the fulfilment of the ordinances
 of the Israelitish persuasion according to the orthodox order, and
 shall for all legal purposes be known by such appellation, and
 shall have a corporate seal, with the name of the said corporation
 imprinted thereon, in the words following: "The Emanuel of
 Victoria, Vancouver Island," and shall be governed by such articles
 of constitution as may be for the time subsisting by virtue of the
 said constitution.

2. That a copy of the articles of constitution aforesaid shall be Articles of constitu-
 tion, etc., to be de-
 posited.
 deposited with the Colonial Secretary, verified by the president and
 secretary of the said congregation, within fourteen days from the
 passage of this Act, and that a copy of any resolution in anywise
 altering or repealing any of the provisions of the said constitution,
 and verified in manner aforesaid, shall be likewise deposited with
 said Colonial Secretary within the time aforesaid.

3. That the said body corporate shall have and enjoy all such Powers of the
 corporation.
 rights, powers, and privileges as by common or statute law, or in
 equity, appertain and relate to a corporation aggregate.

Right of holding and
recovering securities
in the corporate
name.

4. "The Emanuel of Victoria, Vancouver Island," from and after the passage of this Act, shall be capable of holding, taking, and receiving, in its corporate name, all moneys, bonds, notes, mortgages, and other securities in which any portion of the funds of the congregation may be from time to time invested, and shall sue and be sued in its corporate name.

Contracts of the
corporation.
Contracts under
seal.

5. The contracts or deeds of the corporation may be made as follows: Any contract, agreement, or deed, which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the corporation in writing, under the corporate seal of the congregation, and such contract may be in the same manner varied and discharged: Any contract which if made by private persons would be by law required to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the said corporation in writing, signed by the president and countersigned by the secretary, and such contract may in such manner be varied or discharged: Any contract which if made between private parties would by law be valid, and although by parol only and not reduced into writing, may be made on parol on behalf of the said corporation by any person acting under the expressed or implied authority of the said congregation, and such contract may be in the same way varied or discharged.

Contracts required
by law to be in
writing.

Parol contracts.

Seal to be used on
passage of a resolution
of the Board of
Officers.

6. The seal of the said corporation shall be attached to all instruments requiring the attachment of the said seal, by the secretary of the said corporation, upon the production of a resolution of the Board of Officers directing the same.

Receipts of the
Board of Officers.

7. The Board of Officers of the said corporation shall give full and effectual receipts and discharges on behalf of the said corporation, and shall sign all contracts required to be in writing as aforesaid, upon the passage of a resolution of the said Board approving the same. Any person may be authorized by a resolution of the said Board of Officers to enter into, and accept by parol, any contract which by law would be valid without writing, upon the passage of a resolution of the said Board of Officers in that behalf.

Power to hold real
estate.

8. That it shall be lawful for the said body corporate, in its corporate name, at all times hereafter, notwithstanding the Statutes of Mortmain, or any other Statutes or laws to the contrary, to purchase, acquire, have, take, hold, receive, and enjoy, to them and their successors in perpetuity, or for any lives or terms of years, or other estate, any messuages, buildings, lands, tenements, privileges, easements, and other hereditaments, of whatever nature or kind soever, which may be necessary and proper for carrying out the

objects and purposes of the said body corporate, or which may be granted to the said corporation in manner by law prescribed.

9. That the said "Emanuel of Victoria, Vancouver Island," may in its corporate capacity, sell, mortgage, lease, or otherwise dispose of the synagogue used for their religious purposes, and the site thereof, and any other land or hereditaments which they may hereafter acquire in the corporate name, and under the corporate seal may raise such sum or sums of money as may be found necessary and convenient for discharging the liabilities of the said corporation, or for the improvement of the property of the said corporation, or for any other purpose which may be approved by a general meeting provided for by the said articles of constitution.

Power to raise money on mortgage or otherwise.

10. That this Act may be cited as the "Congregation of Emanuel of Victoria Incorporation Act, 1864."

Short title.

CHAPTER 20.

An Act to provide for the Closing of Wells upon Unenclosed Lands in the City of Victoria.

[7th July, 1864.]

WHEREAS it is expedient to provide means whereby the wells upon unenclosed property may be prevented from imperilling the lives and property of Her Majesty's subjects:

Preamble.

Be it therefore enacted by the Governor, on Her Majesty's behalf, by and with the advice and consent of the Legislative Council and Assembly of the Colony of Vancouver Island and its Dependencies, as follows:—

1. [*Obsolete.*]

2. An open well shall, for the purposes of this Act, be deemed to be an artificial sinking into the ground not being a ditch, or drain, or pond, of a depth of more than three feet, and not protected by a safe and substantial fence.

Definition of term "open well."

3. [*Obsolete.*]

4. The Mayor and Council may employ such person as they may select to cover in any unclosed wells situated within the municipal

In cases of default, Mayor and Council may, in the City of Victoria, cover in wells, and recover costs thereof.

limits of the City of Victoria, and on the property of any person absent from the Colony or neglecting to enclose such property or close in such open well, and may recover the reasonable amount of the expenses in that behalf from the person on whose property the same is situated, by an order of a Justice of the Peace.

5. [*Consolidated, 1888.*]

6. [*Obsolete.*]

Order for penalty to
be registered.

7. Every Justice of the Peace shall, within twelve hours from the time in which such order is made, transmit the same order to the Mayor and Council; and the said Mayor and Council are hereby required to register the same within the space of twelve hours from the receipt of the same. [*Part; remainder consolidated, 1888.*]

Fees for registering
order to be added to
penalty.

8. No fees shall be taken by the Registrar-General on the registration of an order on behalf of the said Mayor and Council, but the same shall be added to the amount of the charge so registered, in addition to the amount mentioned in the order.

Cancellation of
registered charge.

9. The Registrar is hereby authorized to cancel any such registered charge, upon satisfactory evidence that the same has been satisfied, duly verified by a Justice of the Peace for the particular district, in manner directed by the "Land Registry Act." The amount so paid in satisfaction of such registered charges shall be paid over by the Justice of the Peace so recovering the same to the Mayor and Council. [*Part; remainder consolidated, 1888.*]

Disposition of
penalty when
recovered.

International Telegraph Ordinance21st February, 1865.
Amended11th April, 1865.
Telegraph, United States and British Columbia
(amended)22nd February, 1865.

CHAPTER 59.

An Ordinance to amend the Laws relating to Bankruptcy and Insolvency in British Columbia.

[10th April, 1865.]

WHEREAS it is expedient to amend the laws relating to bankruptcy and insolvency in British Columbia: Preamble.

Be it enacted by the Governor of British Columbia, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. The laws of bankruptcy and insolvency now existing in this Colony shall continue in force within the Colony, subject to the provisions of this Ordinance. Existing bankruptcy law still in force subject hereto.

As to the Court of Bankruptcy and the Judges thereof.

2. The Supreme Court of Civil Justice acting as a Court of Bankruptcy shall have and exercise, for the purpose of this Ordinance, all the jurisdiction, powers, and authorities of the Superior Courts of Law and Equity in Bankruptcy, and all the jurisdiction, powers, and authorities now possessed by the said Supreme Court acting as the Court for the relief of insolvent debtors. Jurisdiction of Supreme Court in Bankruptcy.

3. The Judge of every County Court shall have and exercise, within his respective district, the like jurisdiction, powers, and authorities, and perform the same duties for and in respect of all matters and things coming before such County Court by virtue of this Ordinance, as are hereby vested in the Supreme Court of Civil Justice of British Columbia acting in Bankruptcy, subject, nevertheless, to the provisions and limitations hereinafter mentioned. Jurisdiction of County Courts in Bankruptcy.

As to the Officers of the Court.

4. In every County Court exercising jurisdiction under this Ordinance, all bills of costs, charges, fees, and disbursements aforesaid shall (except when such Court shall otherwise direct) be taxed and settled by the Judges of such Court, subject to the review of the Supreme Court. It shall be lawful for the Judge of any County Court to refer any such bills, or any question thereon, to the Taxing-master. Costs in any Court of Bankruptcy taxable by such Court.

5. The Judges of the said Courts shall sit at Chambers for the dispatch of such part of the business of their Courts as can, without detriment to the public advantage arising from the discussion of Review of County Court costs.

Sittings in Chambers.

questions in open Court, be heard in Chambers, and when sitting at Chambers they shall, in all respects, have like power and jurisdiction as when sitting in Court.

Powers of County Court in Bankruptcy.

6. The Judge of every County Court shall have power to make adjudication of bankruptcy, to receive the surrender of any bankrupt, to grant protection, to pass the last examination of any bankrupt in cases wherein the Assignees and creditors do not oppose, to hold and preside at meetings of creditors, to audit and pass accounts of Assignees, and to sit in Chambers and dispatch there such part of the administrative business of the Court, and such uncontested matters as shall be defined in General Orders, or as the Judge in the Supreme Court, in any particular matter, shall direct; but nothing herein contained shall empower a Judge of the County Court to commit or to hear a disputed adjudication, or any question of the allowance or suspension of an order of discharge. The County Court Judge may adjourn any matter coming before him, for the consideration of the Judge of the Supreme Court.

Appeal from County Court to Supreme Court.

7. Any party shall, during the proceedings before a County Court Judge, or such County Court Judge himself shall be at liberty to take the opinion of the Judge of the Supreme Court upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the County Court Judge, in the shape of a short certificate to the Judge of the Supreme Court, who shall sign the same, if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceedings, but every such certificate may be discharged or varied by such Judge of the Supreme Court, at Chambers, or in open Court.

Attendance of witnesses.

8. Parties and witnesses summoned before the Judges of the said Courts sitting in Bankruptcy shall be bound to attend in pursuance of such summons, and shall be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpœna; and all persons wilfully and corruptly swearing, or affirming falsely, before any such Judge shall be liable to all the penalties, punishments, and consequences of perjury.

Examination of witnesses.

9. If any person examined before a Judge or Court sitting in Bankruptcy shall refuse or decline to answer, or swear to, or sign his examination when taken, such Judge or Court shall have power to order the person so acting to pay the costs thereby occasioned, if such person shall be compellable by law to answer such question or to sign such examination.

Reference by special case from County Court to Supreme Court.

10. In any bankruptcy or other proceeding within the jurisdiction of a County Court, the parties concerned or submitting to such

jurisdiction may at any stage of the proceedings, by consent, state any question or questions in special case for the opinion of the Supreme Court of Civil Justice, and the judgment of such Court shall be final, unless it be agreed and stated in such special case that either party may appeal.

11. The parties may, if they think fit, agree that upon the question or questions raised by such special case being fully decided, a sum of money fixed by the parties, or to be ascertained by the Court, or in such manner as the Court may direct, or any property or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them either with or without costs. Effect thereof.

12. It shall be lawful for the Judge of the Supreme Court of Civil Justice to direct any question of fact to be tried and determined before himself, by the verdict of a special or common jury, to be summoned in the usual manner. Power to summon jury.

Appeals.

13. Every decision or order of any County Court Judge acting under this Ordinance shall be subject to appeal to the Supreme Court. Appeal.

14. Such appeal shall be brought on by way of petition, motion, or special case. On the hearing thereof no new evidence shall be received without leave of the Judge of the said Supreme Court; and if such appeal shall not be presented within twenty-eight days from the date of the decision or order complained of, or within such further time as the Court below shall in any case allow, then such decision or order shall be final. The order made on such appeal shall be final, except in those cases where an amount of three hundred pounds or more is involved, in which case an appeal shall lie to the Privy Council. Mode of bringing forward.

15. On the hearing of any appeal, the Judge of the Supreme Court may exercise any part of his original jurisdiction, and may, if he think fit, direct that the case or matter in which the order appealed from was made be removed from the County Court of that district, either wholly or in part, and be thenceforth prosecuted in the Supreme Court, or in such County Court as he shall think fit. Power of Supreme Court Judge on appeal.

The Persons subject to this Ordinance.

16. All debtors, whether traders or not, shall be subject to the provisions of this Ordinance, but no debtor who is not a trader shall be adjudged bankrupt, except in respect of one of the acts of bankruptcy. Abolishes the difference between bankruptcy and insolvency.

ruptcy hereinafter described as applicable to a non-trader, and proof of assets to the amount of one hundred and fifty pounds shall no longer be required from any debtor.

Acts of Bankruptcy.

Acts of bankruptcy.

17. If any person, not being a trader, shall, with intent to defeat or delay his creditors, depart this Colony, or being out of this Colony shall with such intent remain abroad, or shall with such intent make any fraudulent conveyance, gift, delivery, or transfer of his real or personal estate, or any part thereof respectively, such person shall be deemed to have thereby committed an act of Bankruptcy: Provided always that before any adjudication in bankruptcy shall be made against the debtor under this section, the following rules shall be observed:—

- (a.) A copy of the petition for adjudication shall be served personally on the debtor, either within the jurisdiction, or in such place or country, or within such limits abroad, as the Court shall upon application for that purpose direct:
- (b.) Such copy of petition shall have endorsed thereon a memorandum, in a form to be settled by a General Order, specifying the time within which the debtor is to appear on such petition; and such time shall, when the service is to be made abroad, be the time the Court shall think reasonable, having regard to the place or country where the service is to be made:
- (c.) In no case shall the time for appearance be less than thirty days after service:
- (d.) If such personal service has not been effected, the Court must be satisfied that every reasonable effort was made to effect the same, and that the attempts to serve such petition came to the knowledge of the debtor and were defeated by his conduct:
- (e.) If at the expiration of the time limited for appearance the Court shall on the hearing of such petition be satisfied that an act of Bankruptcy has been committed, within the meaning of this section, it may adjudge such debtor to be a bankrupt:
- (f.) A declaration in writing of insolvency by a non-trader, in the same manner as by a trader, shall be deemed to be an act of bankruptcy on the part of such non-trader.

Filing declaration of insolvency act of bankruptcy.

18. The filing of a declaration of insolvency by any person in the County Court shall have the same effect as in like cases filed in the Supreme Court.

Execution for judgment over £50 an act of bankruptcy.

19. If any execution shall be levied by seizure and sale of any goods and chattels of any trader debtor, upon any judgment

recovered in any action, personal, for the recovery of any debt or money demand exceeding fifty pounds, every such debtor shall be deemed to have committed an act of bankruptcy from the date of the seizure of such goods and chattels: Provided always that unless in the meantime a petition for adjudication of bankruptcy against the debtor be presented, the Sheriff or other officer making the levy shall proceed with the execution, and shall at the end of seven days after the sale pay over the proceeds, or so much as ought to be paid, to the execution creditor, who shall be entitled thereto notwithstanding such an act of bankruptcy, unless the debtor be adjudged a bankrupt within fourteen days from the date of the seizure, in which case the money so received by the creditor shall be paid by him to the Assignee under the bankruptcy, but the Sheriff or other officer shall not incur any liability by reason of anything done by him as aforesaid: Provided also that in case of bankruptcy, the costs and expenses of such action and execution shall be retained and paid out of the proceeds of the sale, and the balance only after such payment be paid to the Assignee.

20. Whenever the goods and chattels of a debtor are sold under an execution upon any judgment recovered in any action or suit brought for the recovery of a debt, money, demand, or damages against any debtor exceeding fifty pounds, such goods and chattels shall in all cases, unless the Court shall otherwise direct, be sold by the Sheriff by public auction, and not by bill of sale or private contract, and such sale shall be publicly advertised by the Sheriff on and during three days next preceding the day of sale.

Sale under every such execution only by public auction.

21. The filing of a petition by or against a debtor, whether a trader or not, in any Court having jurisdiction for the relief of insolvent debtors in insolvency or bankruptcy in any of Her Majesty's Dominions, Colonies, or Dependencies, and the adjudication of an act of insolvency or bankruptcy on such petition, shall, for the purposes of this Ordinance, be accounted and adjudged conclusive evidence of an act of bankruptcy, committed by such debtor at the time of filing such petition, or of the filing the petition on which the adjudication of an act of insolvency or bankruptcy shall have been made; and any creditor or creditors of such debtor, whose debt or debts shall be of sufficient amount to enable him or them to petition for adjudication of bankruptcy under this Ordinance, may, at any time within two months after notice of such adjudication shall have been given in the Government Gazette, petition for adjudication of bankruptcy under this Ordinance against such debtor, and under such petition all such proceedings may be had and taken as are authorized and directed by this Ordinance.

Adjudication in any British possession an act of bankruptcy.

*As to an Act of Bankruptcy by Non-payment after Judgment Debtor
Summons, and the Proceedings thereupon.*

Judgment debtor
summons.

22. Every judgment creditor in respect of any debt amounting to fifty pounds or upwards, exclusive of costs, shall be entitled, at the end of one week from the signing of judgment, to sue out, against the debtor if a trader, or not being a trader, at the end of one calendar month, and whether he be in custody or not, a summons, to be called a "judgment debtor summons," requiring him to appear and be examined respecting his ability to satisfy the debt.

Unsatisfied decree
or order in equity,
etc., may be fol-
lowed by judgment
debtor summons.

23. Where after the commencement of this Ordinance a decree or order of a Court of Equity, or an order in bankruptcy or insolvency, or lunacy, directing the payment of money is disobeyed by the debtor, the same having been duly served on him, and the person entitled to receive the money or interested in enforcing payment of it has obtained a peremptory order of the competent jurisdiction, fixing a day for payment, and the debtor does not, being a trader, within seven days, or not being a trader, within two calendar months after service on him of the peremptory order, or such order having been duly served, within seven days after the day fixed for the peremptory order for payment (which shall last happen), pay the money, or secure, or tender, or compound for it, to the satisfaction of the creditor, the creditor shall be entitled at the end of those seven days to sue out against the debtor a judgment debtor summons.

Rules regulating the
issue thereof.

24. The judgment debtor summons shall, unless the Court shall in any case otherwise direct, issue according to the following rules:—

- (a.) Where the debtor is in British Columbia or its Dependencies, then out of the Supreme Court or County Court acting in Bankruptcy for the district in which the debtor usually lives, or at the time of the issuing the summons happens to be:
- (b.) Where the debtor is not in British Columbia, then out of the Supreme Court or the County Court acting in Bankruptcy for the district in which is situated the debtor's usual or last-known place of abode in British Columbia:
- (c.) Where the debtor is in British Columbia or its Dependencies, the summons shall be served personally, unless the Court issuing the same shall in any case direct that service in some other manner shall be good service:
- (d.) Where the debtor is not in British Columbia, the Court, upon such evidence as shall satisfy it that the service will be effectual to give notice to the debtor, may order service to be made in such manner and form as it shall deem fit, and shall appoint a time by such order for the appearance of the debtor:

(c.) Where the debtor is in custody, a duplicate of the summons shall be delivered to the Sheriff or other person in whose custody he is, who shall bring him up according to the summons, at the cost of the summoning creditor:

(f.) If service of the summons be not effected, and the Court is satisfied that the debtor is keeping out of the way to avoid service, it may order that one or more notices be inserted in the Government Gazette, and in one or more newspapers published in the Colony, requiring him to appear on a day named, being not less than fourteen days after the publication of the first notice.

25. Upon the appearance of the debtor, he may be examined upon oath, by or on behalf of the creditor, and by the Court, respecting his ability to satisfy the debt, and for the discovery of property applicable in that behalf, and shall be bound to produce, on oath or otherwise, such books, papers, and documents in his possession or power relating to property applicable or alleged to be applicable to the satisfaction of the debt, as the Court shall think fit, and to sign his examination when reduced into writing; and any debtor refusing to be sworn, or who shall upon examination refuse or wilfully fail to discover fully and truly, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and to produce all books, papers, and documents in his possession or power relating thereto, shall be liable to be committed by the Court as in the case of a bankrupt.

Examination of debtor.

26. If after service of such summons, or due notice thereof, as aforesaid, the debtor shall not pay the debt and costs, or secure or compound for the same, to the satisfaction of the creditor, the Court may, on the appearance of the debtor, or if he shall not appear, having no lawful impediment allowed by the Court, adjudge him bankrupt, without the presentation of a petition for adjudication or other proceeding; and where the debtor has not appeared, notice of such adjudication shall be served upon him, in like manner as herein provided with respect to service of the summons.

Adjudication nisi of the judgment debtor summons.

27. The debtor shall be allowed seven days from such notice, or such further time as the Court shall think fit, for appearing to show cause against the adjudication, and if he appear within the time allowed, and show sufficient cause, the adjudication may be annulled, otherwise, at the end of the time allowed, or on the judgment of the Court against the sufficiency of the cause shown, the adjudication shall become absolute, and notice thereof shall be forthwith given in the Government Gazette, and the adjudication shall have relation back to the service of the summons, or the insertion of the first notice in the Government Gazette, as the case may be; and the fee payable upon the presentation of a petition for adjudication of bankruptcy

Adjudication when made absolute.

shall be paid in respect of adjudication under this section, or under the last preceding section, by the Official Assignee or the Creditors' Assignee, as the case may be, out of the first moneys that shall be received under the estate of the bankrupt.

Power to commit.

28. The provisions contained in section 260 of the "Bankrupt Law Consolidation Act, 1849," relating to the committal of a person refusing to be sworn, or doing or omitting the other acts or things therein mentioned, shall apply to a debtor appearing on a judgment debtor summons.

Filing petition without declaration an act of bankruptcy.

29. Any debtor may petition for adjudication of bankruptcy against himself, and the filing of such petition shall be an act of bankruptcy, without any previous declaration of insolvency by such debtor.

Petitioner must file full accounts.

30. Every debtor petitioning against himself shall file in Court a full, true, and accurate statement of his debts and liabilities of every kind, and of the names and residences of his creditors, and of the causes of his inability to meet his engagements, within such time after filing his petition, and in such form as General Orders shall direct.

Petition by prisoner.

31. Every debtor who shall present a petition for adjudication whilst a prisoner in any prison gaol shall, by writing, give notice to the keeper of such gaol or prison of his intention so to do, and shall in his petition state that such notice has been given.

As to Adjudication of Bankruptcy against Pauper and other Prisoners for Debt.

Petition in forma pauperis by prisoner.

32. If any debtor, whether a trader or not, now being, or who shall be, imprisoned for any debt or demand, shall through poverty be unable to petition the proper Court for an adjudication of bankruptcy against himself, he shall be at liberty to petition in forma pauperis, upon making an affidavit that he has not the means of paying the fees and expenses usually payable in respect of a petition by a debtor for an adjudication of bankruptcy. Such affidavit may be sworn before the gaoler of the prison where such debtor is confined, and such gaoler is hereby empowered and required to take such affidavit, and swear the deponent thereto, without fee or reward.

Examination before County Court.

33. Every person so petitioning in forma pauperis as aforesaid shall be brought up to the County Court of the district at its next sitting after the presentation of such petition, and shall be examined by the Court touching his estate and effects, debts, dealings, and transactions; and if the Court shall be satisfied with such examination, it shall make an order of adjudication of bankruptcy against the petitioner, and if it think fit, grant an order of protection to the petitioner.

34. The gaoler of every prison in British Columbia, within the walls, rules, and liberties whereof any person shall be in custody, upon any process whatsoever, for or by reason of any debt, claim, or demand whatsoever, shall, on the first day of every month, or if such day shall happen to be Sunday, then on the day next following, make a return under his hand of the name of every such person, and the date of his or her imprisonment, and the nature and amount of the debt or demand, debts or demands, for which he or she is imprisoned or in custody, and whether he or she is willing or refuses to petition the Court of Bankruptcy, or is unable to do so by reason of poverty, or in such other form and manner and with such particulars as any General Orders shall direct. Such return shall also include the names and addresses of every creditor at whose suit each such prisoner is imprisoned or detained, and shall be made by gaolers of prisons to the Supreme Court or County Court having jurisdiction in bankruptcy within the jurisdiction of which the gaol is situate.

Monthly returns by
gaoler.

35. The County Court Judge shall in every case, on receiving such return, attend at the gaol on a day to be named, being at least seven and not more than twenty-one days from the date of such return. Notice of such order shall be forthwith given to the gaoler and also to the execution and detaining creditors of every prisoner included in such return. On the day named in the order such County Court Judge shall attend at the prison, and examine every prisoner included in such return who shall have been in prison for fourteen days, touching his estate and effects, debts, dealings, and transactions. The County Court Judge shall also ascertain the last or longest place of abode and business of each such prisoner within the six months next prior to his imprisonment. The County Court Judge shall have power to make an order of adjudication in bankruptcy against every such prisoner, and to grant him protection, and shall also direct in what Court such adjudication shall be prosecuted, having regard to the amount of debts and the place of trade or residence of the prisoner within the six months next preceding his imprisonment.

Attendance of
County Court Judge
at prison.

36. If the prisoner shall refuse to appear, or to be sworn, or to answer all lawful questions of the County Court Judge, or of the execution or detaining creditor, or of any other creditor who shall be present, respecting his debts, liabilities, dealings, and transactions, or to make a full discovery of his estate and effects, and of all his books of account, or to produce the same, or to sign his examination when taken, the Court may, by warrant under the hand and seal of the Judge, commit him to the common gaol of the district, there to be kept, with or without hard labour, for any time not exceeding one month, and the Court may at the same time adjudge such prisoner bankrupt: Provided that if, after such adjudication, the

Power to compel
evidence.

bankrupt shall, before the period of such commitment has expired, submit to be examined, and in all things conform to the jurisdiction of the Court, he shall in all respects have the same benefit as if he had submitted to the Court in the first instance.

Date of
adjudication.

37. Every adjudication against any prisoner for debt so brought up as aforesaid shall, unless the Court shall otherwise direct, have relation back to the date of his commitment or detention, as the case may be, and shall be as valid and effectual for all purposes as if it had been made under any other of the provisions of this Ordinance.

Short title.

38. This Ordinance shall be cited as the "Bankruptcy Ordinance, 1865."

International Telegraph Ordinance	31st January, 1866.
Williams Creek Bed-rock Flume Company	29th March, 1866.
Victoria City	2nd April, 1867.
Victoria City Incorporation	2nd April, 1867.
Tax Sale Repeal	17th December, 1867.
Queen Charlotte Coal Mining Company	24th February, 1869.
Victoria Fire Companies' Aid	13th March, 1869.
Victoria City Incorporation (Amendment)	15th March, 1869.
Lane and Kurtz Cariboo Mining Company ...	11th February, 1871.
Tax Sale Repeal (Amendment)	2nd March, 1871.
Tax Sale Relief	11th April, 1872.

CHAPTER 20.

An Act for the Supply of Water to the City of Victoria.

[Passed 21st February, 1873.]

[Amended 25th March, 1881.]

Preamble.

WHEREAS grave and frequent complaints have been made from time to time by the citizens and Corporation of Victoria against the quality and supply of water furnished to the city; and grievous and serious injury to property, and to the city generally, has resulted from an undue and insufficient service thereof:

And whereas the Council of the Corporation of the City of Victoria have resolved that it is deemed necessary and advisable that the said Corporation of Victoria should have the power to

construct, have, and manage, as to them may seem meet, certain waterworks on behalf of the City of Victoria, and it is expedient to grant the prayer of said petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The "Land Clauses Consolidation Act, 1845," as modified by the provision of the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply; but the "Victoria Municipal Ordinance, 1867" (as modified or amended by the "Victoria Municipal Amendment Ordinance, 1869," and the last-mentioned Ordinance), so far as the said Acts and Ordinances are not repugnant to the "Municipality Act, 1872," and the "Municipality Act Amendment Act, 1873," and the "Municipality Act, 1872," as amended as aforesaid, after the same shall apply to the City of Victoria, shall for the purposes of this Act be read and construed as if the same were set out in and formed part of this Act, except in so far as such Acts and Ordinances, or any or either of them, may be varied or modified by the provisions of this Act, or repugnant thereto: Provided always that the limitations in the said Acts and Ordinances, or any of them, on the amount of rates and taxes to be levied upon owners of real estate shall not affect the right to impose and levy the rates, or any of them, herein mentioned or referred to, in addition to now existing rates and taxes: Provided always that the rates to be levied on real estate and improvements thereon in the City of Victoria, in any one year, under this Act and other Acts or Ordinances, shall not exceed one per cent. and one-third of one per cent. on the value of the same, as assessed on the municipal assessment roll of the said city for the time being. And the following sections of the "Land Clauses Consolidation Act, 1845," shall be read with and as part of this Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or are repugnant thereto: Sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79; but in section 69, in lieu of the word "bank" and next following words, there shall be read the "Treasury of British Columbia, to the account of the Registrar of the Supreme Court of British Columbia"; and in section 70, and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read "the Supreme Court of British Columbia"; and in sections 71, 73, and 76, in lieu of the word "bank," there shall be read the "Treasury of British Columbia, to the account of the Registrar of the Supreme Court of British Columbia."

Construction.

Rate not to exceed
1½ per cent.

2. That the Corporation of the City of Victoria, by and through the agency of a Commissioner and his successors, to be appointed as

Corporation may
construct water-
works.

hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct waterworks, and all building matters, machinery, and appliances therewith connected or necessary thereto in the City of Victoria and parts adjacent, as hereinafter provided.

Appointment of
Commissioner, and
his powers.

3. The said Commissioner shall be appointed forthwith by the Municipal Council of Victoria, who shall have power to remove and appoint from time to time as may be expedient; provided always that the last-named Commissioner shall not be a member of the Municipal Council; and the said Commissioner shall, subject to the approval of the Mayor and Council of the said city, have all the power necessary to enable him to build the waterworks hereinafter mentioned, and to improve, secure, maintain, and enlarge any of the said works from time to time as the said Commissioner for the time being may seem meet.

Duties of Commis-
sioner.

4. And it shall be the duty of the said Commissioner to examine, consider, and decide upon all matters relative to supplying the said City of Victoria, by the means contemplated by this Act, with a sufficient quantity of pure and wholesome water for the use of its inhabitants; and also to provide, build, or construct the necessary waterworks, buildings, machinery, and other appliances requisite for the said object.

Engineer may be ap-
pointed, and lots,
etc., purchased or
rented.

5. The Mayor and Council of Victoria aforesaid shall have power to employ and appoint engineers, surveyors, officers, and other persons, at such salaries as by by-law may from time to time be fixed; and to rent or purchase such lots, works, buildings, privileges, and yards as in their opinion may be necessary to enable the Commissioner aforesaid to fulfil his duties under this Act.

Land, etc., may be
entered on and pur-
chased;

6. And it shall and may be lawful for the said Commissioner, the agents, servants, and workmen, appointed as aforesaid, from time to time and at all such times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the land of any person or persons, bodies politic or corporate, in the City of Victoria or within twenty miles of the said city, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said waterworks, and also to divert and appropriate any springs, streams, lakes, or bodies of water as they shall judge suitable and proper, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water or waters, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purposes of the said Waterworks Commissioner, and for the right to take all timber, stone, gravel, sand, and other materials from the same or adjacent lands for the use and construction of the said works; and

Timber, stones, and
gravel may be taken;
streams and waters
may be diverted and
privileges acquired:
damages to be paid

in case of disagreement between the said Commissioner and the owners or occupiers of the said lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damage arising through the construction of any dam, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely: The Commissioner shall appoint one, the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any such owner or occupier shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Commissioner, to nominate and appoint three indifferent persons as arbitrators. The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the said Commissioner shall pay to the respective persons entitled to receive the same; and the award of the majority of the said arbitrators shall be final. And the said arbitrators shall be and they are hereby required to attend at some convenient place, at or in the vicinity of the said city, to be appointed by the said Commissioner, after eight days' notice given for that purpose by the said Commissioner, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said City of Victoria, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment: Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within six months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

to owners, and on
disagreement as to
amount the same to
be ascertained by
arbitration.

Property so acquired to be vested in Corporation; to be used in construction of waterworks; power to enter on, pass, and convey water over intermediate lands, and cut and lay pipes, etc., over the same; and other general and special powers.

7. The lands, privileges, and waters which shall be ascertained, set out, or appropriated by the said Commissioner for the purpose thereof as aforesaid shall thereupon and for ever thereafter be vested in the Corporation of the City of Victoria and their successors, and it shall and may be lawful for the said Commissioner and his successors, subject to the approval of the Corporation, to construct, erect, and maintain in and upon the said lands all such reservoirs, waterworks, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks, and the springs, streams, rivers, bodies of water, or lakes from which the same are procured, and the said City of Victoria, by one or more lines of pipes, as may from time to time be found necessary; and for better effecting the purposes aforesaid, the said Commissioner, his successors and servants, are hereby empowered to enter and pass upon and over the said grounds or lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways and roads in the Districts of Victoria, Lake, and Saanich, or any of them, and in, through, over, and under the public ways, streets, lanes, or other passages of the said City of Victoria, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate, politic, or collegiate, whatsoever; and to set out, ascertain, use, and occupy such part or parts thereof as he, the said Commissioner or his successor, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works or for preserving the purity of the water-supply, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the City of Victoria, or for the uses of the Corporation of the said city, or of the proprietors or occupiers of the land through or near which the same may pass; and for this purpose to sink and lay down pipes, make reservoirs and other conveniences, and from time to time to alter all or any of the said works as well in the position as in the construction thereof, as to the said Commissioner or his successor shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to him, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of dispute, by arbitrators as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the Corporation of the City of Victoria.

Penal clauses.

8. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the said Commis-

sioner or his managers, contractors, servants, agents, or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully and maliciously let off or discharge any water so that the same shall run waste or uselessly out of the said works, or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any Justice of the Peace having jurisdiction within the locality where the offence shall or may be committed, forfeit and pay for every such offence a sum not exceeding five hundred dollars, together with the costs of conviction; one-half to be applied to the use of the Commissioner for waterworks purposes, and the other half to him or her who shall lay the information; and in case the parties suing for the same shall be the Commissioner himself or any of his servants, officers, agents, or workmen, then the whole of the said penalty shall be applied to the uses of the Commissioner for waterworks purposes; and such Justice may, in default of payment, condemn such person to be confined in the common gaol of the City of Victoria for a space of time not exceeding twelve calendar months, as to such Justice may seem meet; and such person or persons so offending shall be liable to an action at law, at the suit of the Commissioner, to make good any damage done by him, her, or them.

9. All materials procured, or partially procured, under contract with the Commissioner shall be exempt from execution.

Materials exempt from execution.

10. That the said Commissioner shall be and is hereby required to keep, or cause to be kept, separate books and accounts of the receipts and disbursements for and on account of the said waterworks, distinct from the books and accounts relating to the other property, funds, or assets belonging to the said waterworks; and all such books shall be open to the examination of any person or persons appointed for that purpose by the Corporation of the City of Victoria, or any member of the said Corporation; and shall annually, on or before the thirty-first day of December in each and every year, cause a return to be made to the Council or the Corporation of the City of Victoria, showing a statement of the affairs of the said waterworks, wherein shall be stated the amounts of the rents, issues, and profits arising from the said waterworks, the number of tenants supplied with water, the extent and value of the movable and immovable property thereunto belonging, the amount of debentures then issued and remaining unredeemed and uncanceled, and the interest paid thereon or yet due and unpaid, and the state of the sinking fund, the expenses of collection and management, and all other contingencies, salaries of officers and servants, the costs

Accounts to be kept of receipts and disbursements on account of waterworks.

Annual return to Corporation of all affairs of the waterworks.

of repairs, improvements, and alterations, the prices paid for the acquisition of any real estate that may be acquired for the use of the said waterworks, and, generally, such a statement of the revenue and expenditure of the said waterworks as will at all times afford to the citizens of the said City of Victoria a full and complete knowledge of the state of the affairs of the said waterworks, and such information as may be required by the Corporation of the City of Victoria, and in order that all the accounts relating to the said waterworks may be audited by auditors to be appointed by the said Corporation in regular course.

Commissioner and
clerks to be sworn.

11. The said Commissioner and the clerks employed on the revenue shall be sworn before a Justice of the Peace to the faithful performance of their duties, and they shall keep a book for the purpose of recording the whole of their official proceedings, which said book shall be open for inspection as the books in the preceding section mentioned.

Distribution and
price of water, and
time of payment
therefor, to be fixed
by Commissioner.

12. The Commissioner for the time being shall regulate the distribution and use of the water in all places and for all purposes where the same may be required, and from time to time shall fix the prices for the use thereof, subject to the approval of the Corporation aforesaid, and the time of payment; and he may erect such number of public hydrants and in such places as the Corporation shall see fit, and direct in what manner and for what purpose the same shall be used, all of which they may change at their discretion.

Hydrants.

Commissioner to fix
water rates, which
shall be a lien on
real estate.

13. The Commissioner, subject to the approval of the Corporation, shall have power and authority, and it shall be his duty, from time to time to fix, within the limits of the City of Victoria, the rate which any owner or occupant of any house, tenement, lot, or part of a lot, or both, in, through, or past which the water-pipes shall run, shall pay as water rate, whether such owner or occupant shall use the water or not, having due regard in the assessment to any special benefit and advantage derived by such owner or occupant, or conferred upon his or their property by the waterworks and the locality in which the same is situated; and such water rate as shall be assessed as aforesaid by such Commissioner upon such owner or occupant shall be and continue a lien or charge, unless paid, upon such real estate; and the Water Commissioner shall also have power and authority as aforesaid from time to time to fix the rent to be paid for the use of the water by hydrants, fire-plugs, and public buildings, and in addition thereto the rent or price which any owner or occupant of any house who shall use such water shall pay for the use thereof: Provided always that the rate in this section mentioned shall be in addition to or irrespective of the rate referred to hereinafter. And each vacant lot of land in the said city fronting on the streets under which the water-pipes shall be placed shall, provided the pipes run

Vacant lots to be
rated.

past the said lot, be rated and taxed by the said Commissioner as aforesaid, due regard being had in the assessment to the advantage which the said lot shall derive from the waterworks.

14. All water rents and water rates, when collected, less disbursements by the Commissioner, shall be paid over monthly by the said Commissioner to the Treasurer of the City of Victoria, and by him placed to the credit of the waterworks account; and the Municipal Council shall have power from time to time to make and enforce all necessary by-laws, rules, and regulations for the general maintenance or management and conduct of the said waterworks officers and others employed by him, not inconsistent with this Act, and for the collection of the said water rent and water rate, and for fixing the time and times when and the places where the same shall be payable, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or both.

Rents and rates to be paid over monthly.

By-laws for maintenance and conduct of officers.

Enforcement of payment of rates.

15. The Commissioner shall have power, with the consent of the Corporation of the City of Victoria, to employ the city collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons so employed shall hold their offices under the Commissioner at the pleasure of the Corporation of the City of Victoria, or as they shall determine by by-law in that behalf, and shall give such security as the Commissioner, with the consent of the Corporation of the City of Victoria, shall from time to time require, and such collectors and assessors shall have as full power in the performance and enforcement of the matters to them committed as the collectors and assessors in the City of Victoria do now possess and enjoy.

City collectors, assessors, etc., may be employed.

16. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks, or in any way obtain or use any water thereof, without the consent of the Commissioner, he or they shall forfeit and pay to the Commissioner, for waterworks purposes, the sum of four hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any Court of law in the Province of British Columbia having civil jurisdiction to that amount.

Penalty for abstracting water.

17. If any person shall bathe, or wash, or cleanse any cloth, wool, leather, skin, or animals, or place any nuisance or offensive thing within or near the source of supply for such waterworks, in any lake, river, pond, source, or fountain, from which the water of the

Further penal clauses.

said waterworks is obtained, or shall convey or cast, cause, or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive things therein, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding two hundred and fifty dollars, together with costs; one-half to be applied for waterworks purposes, and the other half to him or her who shall lay the information; and in case the party laying such information be the Commissioner himself, or any of his officers or servants, then the whole of the said penalty shall be applied to the uses of the Commissioner for waterworks purposes; and such Justice may, in default of payment, condemn such person to be confined in the common gaol in Victoria for a space not exceeding one calendar month, with or without hard labour.

By-laws for prohibiting by fine the selling, disposing, giving away, neglect, or waste of water supplied by the waterworks, etc.

18. It shall and may be lawful for the Municipal Council and their successors, and they are hereby authorized and empowered, to make such by-laws as to them shall seem requisite and necessary for prohibiting, by fine not exceeding one hundred dollars, for waterworks purposes, or imprisonment not exceeding three calendar months (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, with or without hard labour, being always in the discretion of the Justice of the Peace before whom any proceedings may be taken for enforcement thereof), any person, being occupant, tenant, or inmate of any house or otherwise, supplied with water from the said waterworks, from vending, selling, or disposing of the water thereof, from giving it away, or permitting it to be taken or carried away, or for using or applying it to the use or benefit of others, or to any other than to his, her, or their own use and benefit, or from increasing the supply of water agreed for with the said Commissioner, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent, and nature of the supply by the said works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, and each and every other matter or thing relating to or connected therewith, which it may be necessary or proper to direct, regulate, or determine, for issuing to the inhabitants of the city a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Commissioner with regard to the water so supplied.

Service-pipes across vacant spaces.

19. In all cases where a vacant space intervenes between a line of the street and the wall of the building into which the water is to

be taken, the Commissioner is empowered to lay the service-pipe across such vacant space, and charge the cost of the same to the owners of the premises, such charge to be payable with the first payment of water rates and to be collected in the same manner from the said owners.

20. The service-pipe from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the Commissioner, shall be under his control; and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the Commissioner may repair the same and charge the same to the occupant or owner of the premises; the stop-cock placed by the Commissioner inside the wall of the building shall not be used by the water tenant, except in cases of accident or for the protection of the building, of the pipes, and to prevent the flooding of premises.

Service-pipes, branches, etc., under control of Commissioner.

Damage to same to be made good by occupant.

21. All parties supplied with water by the Commissioner may be required to place only such taps for the drawing and the shutting-off the water as may be approved by the Commissioner.

Official taps only to be used by tenant.

22. Neither the Water Commissioner nor the Corporation of the City of Victoria shall be liable for damage caused by the breaking of any service-pipes or attachment, or for any shutting-off of the water for the purpose of repairing, maintaining, or cleaning the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

Commissioner and Corporation not liable for breaking of pipes or shutting off water.

23. It shall be lawful for the officers of the Water Commissioner, and every person authorized by him for that purpose, to have free access, at proper hours of the day and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Officers to have access to buildings to which water is supplied.

24. If any person or persons, not being in the employment of the Water Commissioner, or not being a member of the fire brigade of the said city and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, or take or appropriate to his own use any water from any public or private tap, every such person shall, on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding fifty dollars for waterworks purposes, or in default of payment be imprisoned in the gaol of Victoria for a term not to exceed thirty days; and each time the said hydrants are so interfered with, and each day said obstruction shall continue, shall be considered a separate offence. [44 Vict., c. 27, s. 1.]

Further penal clauses.

Commissioner to have full control of waterworks, and may prosecute and defend actions and suits in respect of the same.

25. The said Commissioner shall, subject to the approval of the Municipal Council, have the full, entire, and exclusive possession, control, and management of the said lands and waterworks, and all things appertaining thereto, and shall and may, in the name of the Corporation of the City of Victoria, prosecute or defend any action or actions, suit or suits, or process at law or in equity, against any person or persons for money due for the use of the water, for the breach of any contract expressed or implied touching the execution or management of the works, or the distribution of the water, of any promise or contract made for or with them, and also for any injury, damage, trespass, spoil, nuisance, or other wrongful act done, committed, or suffered to the said lands, works, watercourses, sources of water-supply, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water, or for anything otherwise arising out of his said office as Commissioner.

Extension of water-pipes in suburbs.

26. The Water Commissioner, subject to the approval of the Corporation, may contract with individuals, on behalf of the Corporation, for the extension of pipes in suburbs, or partially built portions of the city, by allowing a deduction from the price charged for the water, to such extent as the Commissioner shall see fit, on the cost of the said pipes, when laid by the parties under the direction of the Commissioner and subject to his approval, or the Commissioner may lay the pipes, charging the said parties, in addition to the usual water rate, a yearly interest upon the cost of such extension, which interest, or such portion thereof as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

Commissioner may supply water to persons not resident in Victoria, with consent of Corporation for such supply.

27. The Water Commissioner, subject as aforesaid, shall have power and authority to supply any corporation, person, or persons with water, although not being resident within the City of Victoria, and may exercise all other powers necessary to the carrying-out of their agreements with such corporation or persons as well within the districts of Victoria, Lake, Saanich, or other districts, as within the City of Victoria; and he may also from time to time make and carry out any agreement which he may deem expedient for the supply of water to any railway or manufactory: Provided that no power or authority shall be exercised under this clause without the consent and approbation of the Corporation of the City of Victoria.

Power to issue debentures.

28. For the purpose of constructing the said waterworks, and paying sinking fund and the interest on the said debentures and expenses attendant thereon, or for the purpose of meeting the payment of any other matter or things contemplated or allowed by this Act, the Corporation of the City of Victoria shall have power to issue debentures of the said Corporation of the City of Victoria, to

be called "waterworks debentures," for a sum of money not exceeding one hundred thousand dollars of lawful money of British Columbia, in such sums, not less than fifty dollars, as shall to the said Corporation seem expedient; which debentures shall be made payable in manner and at the times following, that is to say: Within a period of twenty-five years from the date of the respective issues thereof, and shall bear interest at a rate not exceeding nine per centum per annum, such interest to be payable half-yearly; and such debentures shall be signed by the Mayor and Clerk of the said city for the time being, and may be made payable either in sterling or in currency of this Province, Great Britain, or elsewhere as to the Council of the Corporation of the City of Victoria shall seem expedient or necessary; and the said Council of the Corporation of the City of Victoria and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on the same semi-annually, raise annually such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full as the same shall become due respectively, and shall order a rate for that purpose on all real estate and improvements thereon, to be settled, imposed, and levied in each and every year, to pay said principal and interest on such debentures, without any confirmation or assent to any by-law or by-laws in that behalf, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province in Council before contracting the said debt; but the said debentures to be issued hereunder shall be valid and effectual and binding, to all intents and purposes, on the Corporation of the City of Victoria, notwithstanding any of the provisions of the "Municipality Act, 1872," or amendments thereto, of the "Municipality Act Amendment Act, 1873," or any other Act or Acts, Ordinance or Ordinances, in that behalf have not been complied with; and such rate shall be deemed to be due on such days as the Council shall in that behalf prescribe. For the purpose of determining the amount to be set apart in each year for the purpose of a sinking fund, the rate of interest on money shall be deemed to be six per cent. per annum.

Sinking fund for payment of debentures.

Rates to be imposed therefor on real estate and improvements.

29. The said debentures shall be made payable to the bearer thereof, and shall pass by delivery only, and without any assignment or endorsement, and the holder or bearer for the time being of every such debenture shall have the same right and remedies in respect of the same as if he were expressly named therein.

Debentures made payable to bearer and shall pass by delivery.

30. The Commissioner and his officers shall have the like protection in the exercise of their respective offices and in the execution of their duties as Justices of the Peace now have under the laws of this Province.

Protection to Commissioner.

Debentures to be deposited in bank, and proceeds paid out on cheque of Mayor and Chairman of Finance Committee and Commissioner.

Commissioner may pay contractors with debentures, at par or discount, and debentures may be negotiated and sold.

Council may repurchase debentures.

Waterworks and property acquired by virtue hereof mortgaged for sums borrowed under this Act.

Revenue from waterworks to be general funds of the Corporation.

31. Such debentures, when issued, shall be deposited in the Bank of British North America, or such other chartered bank as the Corporation of the City of Victoria may from time to time select, and the proceeds of such debentures shall be paid into the said bank, and kept separate from any other funds of the said city, and the same shall only be paid out on the cheque of the Mayor and Chairman of the Finance Committee for the time being of the City of Victoria, and the Commissioner for the time being, as may from time to time be required for payment and discharge of the liabilities that may be incurred in carrying out the improvements contemplated by this Act, and for the payment of interest accruing due on the said debentures during the period of the erection and completion of the said waterworks: Provided also that nothing herein contained shall prevent the Commissioner, should he deem it advantageous so to do, from paying the contractor or contractors, or others, in debentures, either at par or at such rate of discount as the Commissioner shall in his judgment deem advisable, with the assent of the Corporation of the City of Victoria thereto, nor from selling or negotiating the same, as to them shall seem most expedient and advantageous to the interest of the City of Victoria.

32. It shall be lawful for the said Municipal Council from time to time to repurchase the said debentures to the amount of such moneys as the said Council may appropriate for that purpose; and also to make use of the sinking fund for the purpose of withdrawing debentures from the market by purchase; and all debentures so repurchased shall be forthwith cancelled and destroyed, and no reissue of debentures shall be made in consequence of such purchase and destruction.

33. The said waterworks to be erected and constructed under this Act, and also the land to be acquired for the purposes thereof, and every matter and thing therewith connected, and all the revenue of the Corporation, shall be and they are hereby specially charged pledged, mortgaged, and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon; and all, each, and every of the holders of the debentures in this Act mentioned shall have a preferential pledge, mortgage, hypothecation, or privilege on the said lands, waterworks, and property appertaining thereto, and the revenue of the Corporation aforesaid, for securing the payment of the said debentures and the interest thereon, in addition to other remedies therefor.

34. That, after the construction of the works, all the revenues arising from or out of the supplying of water, or from the real and personal property connected with the said waterworks, acquired by

the said Corporation or Commissioner under this Act, shall, after providing for the expenses attendant upon the maintenance of the said waterworks, be paid over to and deposited monthly with the Clerk of the said Corporation of the City of Victoria, as hereinbefore provided, and shall make part of the general funds of the Corporation, and may be applied accordingly.

35. The lands, buildings, machinery, reservoirs, pipes, and all other real or personal property connected with or appertaining or belonging to the waterworks shall from henceforth be exempt from taxation.

Waterworks, etc., exempt from taxation.

36. If any action or suit shall be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Legal proceedings to be brought within six months from accruing of cause of action.

37. The watchman and other officers of the Water Commissioner, when in discharge of their duty, shall be ex officio possessed of all the powers and authority of officers of the peace.

Officers of Commissioners to be officers of the peace.

38. The said Commissioner shall, during the construction of the said waterworks, and after the completion of the said works, respectively, receive remuneration such as the Mayor and Council may by by-law determine.

Remuneration to Commissioner.

39. The Commissioner to give security as may be required by the Mayor and Council.

Security by him.

40. All work under the Commissioner shall be performed by contract, except in case of emergency, where delay would be injurious to the interests of the city, or where from the nature of the work it can be more expeditiously and economically executed by the officers or servants of the Corporation.

Work to be done by contract.

41. No Commissioner or Councillor shall personally have or hold any contract in connection with said works, or be directly or indirectly interested in the same, or any of them.

Commissioner or Councillor not to have contract.

42. This Act shall not have any force or effect until the Municipal Council of the City of Victoria shall pass a by-law authorizing the construction of the said waterworks, which by-law they are hereby empowered to pass.

Suspending clause.

43. The said works shall be commenced within one year from the passing of this Act.

Commencement of work.

Collection of rates

44. The rates referred to in this Act may be levied and collected in manner prescribed by the "Municipality Act Amendment Act, 1873," but without the restrictions contained in the third, fourth, and sixth sections of the said Act.

Short title.

45. This Act may be cited for all purposes as the "Corporation of Victoria Waterworks Act, 1873."

Williams Creek Fire Brigade21st February, 1873.

CHAPTER 17.

An Act authorizing a Guarantee of the Waterworks Debentures issued by the Corporation of the City of Victoria under the Authority of the "Corporation of Victoria Waterworks Act, 1873."

[2nd March, 1874.]

Preamble.

WHEREAS, by the "Corporation of Victoria Waterworks Act, 1873," after reciting that "grave and frequent complaints have been made from time to time by the citizens and Corporation of Victoria against the quality and supply of water furnished to the city, and grievous and serious injury to property, and to the city generally, has resulted from an undue and insufficient service thereof," it is enacted (among other things)—

"That the Corporation of the City of Victoria, by and through the agency of a Commissioner and his successors, to be appointed as hereinafter provided, may and shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct waterworks and all building matters, machinery, and appliances therewith connected or necessary thereto in the City of Victoria and parts adjacent, as hereafter provided:

"And that, for the purpose of constructing the said waterworks, and paying sinking fund and the interest on the said debentures and expenses attendant thereon, or for the purpose of meeting any other matter or things contemplated or allowed by this Act, the Corporation of the City of Victoria shall have power to issue debentures of the said Corporation of the City of Victoria, to be called 'waterworks debentures,' for a sum of money not exceeding one hundred thousand dollars of lawful money of British Columbia, in such sums,

not less than fifty dollars, as shall to the said Corporation seem expedient; which debentures shall be made payable in manner and at the times following, that is to say: Within a period of twenty-five years from the date of the respective issues thereof, and shall bear interest at a rate not exceeding nine per centum per annum, such interest to be payable half-yearly; and such debentures shall be signed by the Mayor and Clerk of the said city for the time being, and may be made payable either in sterling or in currency of this Province, Great Britain, or elsewhere as to the Council of the Corporation of the City of Victoria shall seem expedient or necessary; and the said Council of the Corporation of the City of Victoria and their successors shall, for the purpose of providing a sinking fund for the payment of the said debentures as aforesaid, and the interest on same semi-annually, raise annually such sum as may be necessary to pay the interest upon and provide a sinking fund to meet the whole of such debentures in full as the same shall become due respectively, and shall order a rate for that purpose on all real estate and improvements thereon, to be settled, imposed, and levied in each and every year, to pay said principal and interest on such debentures, without any confirmation or assent to any by-law or by-laws in that behalf, and it shall not be necessary to obtain the consent or approval of the Lieutenant-Governor of this Province in Council before contracting the said debt; but the said debentures to be issued hereunder shall be valid and effectual and binding, to all intents and purposes, on the Corporation of the City of Victoria, notwithstanding any of the provisions of the 'Municipality Act, 1872,' or amendments thereto, of the 'Municipality Act Amendment Act, 1873,' or any other Act or Acts, Ordinance or Ordinances, in that behalf have not been complied with; and such rate shall be deemed to be due on such days as the Council shall in that behalf prescribe. For the purpose of determining the amount to be set apart in each year for the purpose of a sinking fund, the rate of interest on money shall be deemed to be six per cent. per annum."

And whereas the said Corporation have issued such debentures as aforesaid, but have not yet sold the same:

And whereas it would greatly facilitate the construction of the waterworks aforesaid, and conduce to the welfare of the said city, if payment of the said debentures were guaranteed under the authority of the Legislative Assembly and the Government of the Province:

And whereas the Corporation of the City of Victoria have applied to the Government of the Province to guarantee the payment of the principal and interest of debentures issued or to be issued by the Council of the said city, under the "Corporation of Victoria Waterworks Act, 1873," to an amount not exceeding the sum of one hundred thousand dollars in the aggregate on the face of such debentures, for the purpose of assisting such Council in the issue and negotiation of such debentures at a moderate rate of interest and discount:

And whereas it is expedient that such application should be acceded to by the Government of British Columbia on condition that the Government shall be from time to time fully indemnified against the expenditure (if any) which may be incurred by the Government by reason of such guarantee, in manner herein described:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Payment of certain
debentures of City of
Victoria guaranteed.

1. The payment of the principal of the debentures issued or to be issued by the Corporation of the City of Victoria, under the "Corporation of Victoria Waterworks Act, 1873," to an amount not exceeding one hundred thousand dollars, together with the interest thereon, shall, from time to time as the same shall fall due, be secured and form a lien or charge on the general revenue of the Province of British Columbia; and the Lieutenant-Governor in Council shall issue his warrant to the Minister of Finance and Agriculture, directing him to pay the amount due for the time being out of any moneys in the Treasury.

Recovery of
advances made
by Government.

2. Notwithstanding anything contained in any municipal or other Act or municipal by-law now or hereinafter in force, whenever any sum has been paid or advanced by the Lieutenant-Governor in Council, under the authority of this Act, the Minister of Finance and Agriculture shall forthwith certify the same to the Lieutenant-Governor in Council, who shall immediately issue his warrant to the Sheriff for Vancouver Island, or other officer acting in that capacity in the City of Victoria, directing him to levy a rate on the assessable property of the municipality, sufficient to repay the amount advanced, together with interest thereon at the rate of seven per cent. per annum and the costs of collection and the proceeds thereon; and the Sheriff's powers shall be as nearly as may be those contained in the "Municipality Amendment Act, 1873."

Duty of Sheriff.

3. The Sheriff shall obey the said warrant and levy the sums therein mentioned in like manner and within the same period as he would levy the same if it had been recovered against the municipality under a judgment of the proper Court of law and a writ of execution had issued thereupon directed to him and commanding him to levy the same by rate, and shall pay over the net proceeds into the Treasury; and the costs allowed to the said Sheriff for executing the said warrant shall be the same as those to which he would be entitled for executing a writ of execution for a like sum.

Overplus.

4. If the net sum raised by any such rate be greater than that required, the officer in charge of the Treasury shall hand over the overplus to the Corporation of the City of Victoria, to be held and accounted for by them as part of the revenues of the Corporation.

5. If the net sum raised be insufficient for the purpose, a new New assessment. assessment shall be made and the rate collected in the same manner as hereinbefore provided.

6. Every debenture shall state on the face thereof that the pay- Debenture shall state the fact of the guarantee. ment of the principal and interest of the sum therein specified is secured by the general revenue of the Province.

7. This Act may be cited as the "Waterworks Debenture Guar- Short title. antee Act, 1874."

Tax Sale Repeal (Amendment)22nd March, 1874.

CHAPTER 4.

An Act respecting the Construction of Provincial Public Works.

[22nd April, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. [*Obsolete.*]

2. Notwithstanding anything contained in any Act or authority, Provincial public works. it shall be lawful for the Lieutenant-Governor in Council from time to time to apply for and receive from the Dominion Government such sums of money as may be required for local improvements in the Province, and not exceeding in the whole the amount by which the debt of British Columbia for which Canada is responsible (then) falls short of the debt with which British Columbia was allowed to enter the Union. Such advances to be deemed additions to the debt of British Columbia, with permission to British Columbia to repay them to Canada on such notice, in such sums, and on such other conditions as the Dominion Government and that of British Columbia may agree upon. Any amount so repaid being deducted from the debt of British Columbia in calculating the subsidy payable to it.

Lightning Creek Fire Brigade.....22nd April, 1875.

CHAPTER 19.

An Act to amend the "Corporation of Victoria Waterworks Act, 1873."

[22nd April, 1875.]

Preamble.

WHEREAS, under the "Corporation of Victoria Waterworks Act, 1873," the Corporation of the City of Victoria was empowered to issue debentures of the said Corporation for a sum not exceeding one hundred thousand dollars for the purpose of constructing waterworks for the said city:

And whereas the said sum of one hundred thousand dollars has been found insufficient for the said purpose, and a further sum of fifty thousand dollars is required therefor:

And whereas it would greatly facilitate the construction of the waterworks aforesaid, and conduce to the welfare of the said city, if payment of the debentures hereinafter authorized were guaranteed under the authority of the Legislative Assembly and the Government of the Province:

And whereas the Corporation of the City of Victoria have applied to the Government of the Province to guarantee the payment of the principal and interest of such debentures to an amount not exceeding the sum of fifty thousand dollars in the aggregate on the face of such debentures, for the purpose of assisting such Council in the issue and negotiation of such debentures at a moderate rate of interest and discount:

And whereas it is expedient that such application should be acceded to by the Government of British Columbia, on condition that the Government shall be from time to time fully indemnified against the expenditure (if any) which may be incurred by the Government by reason of such guarantee, in manner herein described:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Additional waterworks debentures.

1. For the purpose of completing the construction of the waterworks now in course of construction for supplying the City of Victoria with water, the City of Victoria shall have power to issue, in addition to any debentures already issued, or that may hereafter be lawfully issued under the provisions of the "Corporation of Victoria Waterworks Act, 1873," debentures of the said Corporation of the City of Victoria, to be called "additional waterworks debentures," for a sum not exceeding fifty thousand dollars of lawful money of British Columbia, in such sums, not less than fifty dollars,

as shall to the said Corporation seem expedient, which debentures shall be made payable at the expiration of twenty years from the date of the respective issues thereof, and shall, as regards interest and sinking fund, as well as in all other respects, be signed, executed, provided for, dealt with, and otherwise treated, and have the same legal force, obligation, and effect, as if they were and constituted a portion of the debentures authorized to be issued by the said Corporation under the provisions of the said the "Corporation of Victoria Waterworks Act, 1873."

2. Notwithstanding anything herein contained, any debentures already issued under the said the "Corporation of Victoria Waterworks Act, 1873," shall have the same force, legal effect, and obligation as they would have if this Act had not been passed.

Original debentures.

3. The payment of the principal of the debentures issued or to be issued by the Corporation of the City of Victoria under this Act, to an amount not exceeding fifty thousand dollars, together with the interest thereon, shall, from time to time as the same shall fall due, be secured and form a lien or charge on the general revenue of the Province of British Columbia; and the Lieutenant-Governor in Council shall issue his warrant to the Minister of Finance and Agriculture, directing him to pay the amount due for the time being out of any moneys in the Treasury.

Interest on additional debentures.

4. Notwithstanding anything contained in any municipal or other Act or municipal by-law now or hereafter in force, whenever any sum has been paid or advanced by the Lieutenant-Governor in Council, under the authority of this Act, the Minister of Finance and Agriculture shall forthwith certify the same to the Lieutenant-Governor in Council, who shall immediately issue his warrant to the Sheriff for Vancouver Island, or other officer acting in that capacity in the City of Victoria, directing him to levy a rate on the assessable property of the municipality, sufficient to repay the amount advanced, together with interest thereon at the rate of seven per cent. per annum and the costs of collection and the proceedings thereon; and the Sheriff's powers shall be as nearly as may be those contained in the "Municipality Amendment Act, 1873."

Recovery of money advanced by the Government.

5. The Sheriff shall obey the said warrant and levy the sums therein mentioned in like manner and within the same period as he would levy the same if it had been recovered against the municipality under a judgment of the proper Court of law and a writ of execution had issued thereupon directed to him and commanding him to levy the same by rate, and shall pay over the net proceeds into the Treasury; and the costs allowed to the said Sheriff for executing the said warrant shall be the same as those to which he would be entitled for executing a writ of execution for a like sum.

Duties of Sheriff.

- Overplus recovered to be returned. **6.** If the net sum raised by any such rate be greater than that required, the officer in charge of the Treasury shall hand over the overplus to the Corporation of the City of Victoria, to be held and accounted for by them as part of the revenues of the Corporation.
- Further assessment on deficiency. **7.** If the net sum raised be insufficient for the purpose, a new assessment shall be made and the rate collected in the same manner as hereinbefore provided.
- Statement on each debenture. **8.** Every debenture shall state on the face thereof that the payment of the principal and interest of the sum therein specified is secured by the general revenue of the Province.
- Construction. **9.** This Act shall be read with and construed as part of the "Corporation of Victoria Waterworks Act, 1873."
- Short title. **10.** This Act may be cited as the "Waterworks Amendment Act, 1875."

British Columbia Express Company.....10th April, 1878.
 Moodyville Sawmill Company.....10th April, 1878.
 British Columbia Milling and Mining Company...10th April, 1878.
 Sumas Dyking10th April, 1878.
 Gold-bearing Quartz Mining.....10th April, 1878.

CHAPTER 6.

An Act to provide for the Management of certain
 Cemeteries in the Province of British Columbia.

[29th April, 1879.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Cancels the trust deed and deed of confirmation, constituting the Cemetery Board of the City of Victoria, and vests unsold lands in Corporation of said city.

1. The trust deed and letters patent, dated the seventh June, 1872, and the deed of confirmation, dated the twenty-eighth January, 1874, constituting the Cemetery Board of the City of Victoria, are hereby cancelled and declared to be null and void, and the unsold portions of the land thereby conveyed by the Crown to certain trustees shall be held by and are hereby vested in the Corporation

of the City of Victoria and their successors, subject to any encumbrances thereon and to the provisions hereinafter contained, and in trust for the following purposes, that is to say: The parcels numbered 18, 19, 21, and 22, for the establishment and maintenance of a public cemetery and for cemetery purposes generally; and parcels 31, 32, and 33, for the purposes of a public park; and it shall be lawful for the said Corporation and their successors, with the consent in writing of the Lieutenant-Governor, to sell or convey, in exchange for or in lieu of other lands or hereditaments of equal or better value, all or any part of the said parcels numbered 18, 19, 21, and 22, for cemetery purposes.

Empowers Corporation to sell or exchange said lands.

2. All moneys which the said Corporation shall receive upon any such sale or exchange shall, in the first place, be applied by them to the payment and discharge of any mortgages or encumbrances on the above parcels of land or any of them, and in the next place to the purchase of other lands and premises suitable for cemetery purposes, and the said Corporation and their successors shall hold all such other lands and premises for cemetery purposes and subject to the provisions of this Act.

Application of proceeds.

3. The lands commonly known as the Ross Bay Cemetery, and any other lands acquired for cemetery purposes by the trustees, under and by virtue of the trust deeds and letters patent above mentioned, shall be held by and are hereby vested in the said Corporation and their successors, in trust for the proper maintenance of the said cemetery and for cemetery purposes generally; subject, however, to the provisions and conditions hereinafter mentioned.

Vests Ross Bay Cemetery in Corporation of the City of Victoria.

4. The trust deed and letters patent, dated the sixth day of August, 1875, and the amending trust deed, dated the twenty-first day of April, 1876, constituting the Cemetery Board of the City of New Westminster, are hereby cancelled and declared to be null and void, and the unsold portions of the land thereby conveyed by the Crown to certain trustees, and all other lands purchased or received in exchange by them under the "Cemetery Ordinance, 1870," shall be held by and are hereby vested in the Corporation of the City of New Westminster and their successors as a public cemetery, subject to the provisions herein contained.

Cancels trust deed and amending trust deed, constituting the Cemetery Board of the City of New Westminster.

Vests lands in the Corporation of said city.

5. Immediately after the passing of this Act, the trustees of the cemeteries of the Cities of Victoria and of New Westminster shall hand over to the Corporations of their respective cities all moneys, notes, cheques, books, papers, deeds, maps, drawings, plans, vouchers, and receipts in any way relating to or connected with their respective cemeteries, and the receipt in writing of such Corporation, or of

Trustees to hand over all moneys, books, maps, papers, etc.

any person they shall appoint, shall effectually discharge the said trustees so paying or handing over the same from all liability in respect thereof.

Not to interfere with any vested right.

Allotment to any religious body not a vested right.

Religious bodies to whom allotments have been made to have privilege of purchase.

Terms of purchase.

Notice to be given in Gazette of determination to purchase or not.

In default of purchase, portions so allotted to be thrown open to the public.

Vests lands allotted in the religious body who elect to purchase same under s. 7.

6. Nothing herein contained shall in any way be deemed to affect the vested right of any person to any grave, vault, or burial-plot purchased, or to any monument or tombstone erected by leave of the trustees; but no allotment to any religious body or denomination which may have been made shall be considered, by virtue only of such allotment, to have given any such vested right as aforesaid.

7. Notwithstanding what is contained in the above section, each religious body or denomination to whom an allotment has been made under the "Cemetery Ordinance, 1870," shall have the privilege of purchasing the same at any time within six months after the passing of this Act, upon giving notice in writing to the Provincial Secretary, within such period of its desire to so purchase, according to the following terms, viz. :—

Upon payment for such portions of said allotment as shall remain unsold or unoccupied at the date of the above notice of the following sums, twenty-five per cent. whereof shall be payable within six months from the passing of this Act, and the balance in two years therefrom; to be secured to the satisfaction of the Corporations entitled thereto:—

(a.) For allotments in Ross Bay Cemetery, to the Corporation of the City of Victoria, at the rate of three hundred dollars per acre:

(b.) For allotments in New Westminster Cemetery, to the Corporation of the City of New Westminster, at the rate of one hundred dollars per acre.

8. If any of the religious bodies or denominations elect to purchase under the previous section, or if they neglect or refuse so to do within the time and in the manner stated therein, in either case notice thereof shall be given in the Government Gazette for the information and guidance of the public; and in case of neglect or refusal as aforesaid, such allotments shall thereafter be open to the public, and shall form part of the land intended to be hereby given to the respective Corporations for general cemetery purposes.

9. Upon the conditions contained in section 7 being fulfilled, the occupied and unoccupied portions of the allotments referred to shall become absolutely vested in the religious bodies or denominations purchasing the same, and shall be held by them respectively, either in their corporate name (if any), or in the names of trustees or other persons holding lands for them, as the case may be, and as effectually as if such names had been specifically stated herein; and any such religious bodies shall thereupon and thereafter have

the exclusive right of deciding who shall or shall not be buried in any allotment so acquired, and shall be exclusively entitled to exercise any spiritual or religious rites or ceremonies therein.

10. No distribution or allotment in favour of any religious body or denomination, save as above stated, or in favour of any secret or other society, shall hereafter be made of any of the lands herein referred to, and all allotments heretofore made under the "Cemetery Ordinance, 1870," shall be null and void, except the same be purchased under the provisions of section 7.

No allotment to be hereafter made in favour of any religious body or secret society.

11. All the lands now or hereafter embraced within the limits of either of the above cemeteries shall respectively be held subject to any rules and regulations from time to time made by the respective City Corporations for cemetery purposes; and the said lands and the holders thereof shall be liable to pay a fair share of the amount required by either of the said Corporations, as the case may be, for general cemetery repairs, improvements, or drainage, and such share may be assessed, levied, and collected in such manner as may be provided by any by-law made for the purpose by either Corporation aforesaid.

The respective City Corporations to make rules and regulations.

Denominations who purchase their allotments shall pay a fair share of the costs of maintaining the cemetery.

12. [*Consolidated in the Religious Institutions Act, 1888.*]

13. This Act may be cited for all purposes as the "Cemetery Ordinance Amendment Act, 1879."

Short title.

Nanaimo Fire Brigade	29th April, 1879.
Sumas Dyking	29th April, 1879.
Sumas Dyking	29th April, 1879.

CHAPTER 11.

An Act to authorize the Grant of certain Public Lands on the Mainland of British Columbia to the Government of the Dominion of Canada for Canadian Pacific Railway Purposes.

[*Passed 8th May, 1880.*]

[*Amended 19th December, 1883.*]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Grant of lands to Dominion Government in aid of construction of the Canadian Pacific Railway.

Annual grant of \$100,000 to the Province not to be prejudiced hereby.

Not to affect existing common and public highways.

Short title.

1. From and after the passing of this Act, there shall be and there is hereby granted to the Dominion Government for the purpose of constructing and to aid in the construction of the portion of the Canadian Pacific Railway on the Mainland of British Columbia, in trust, to be appropriated as the Dominion Government may deem advisable, the public lands along the line of the railway before mentioned, wherever it may be finally located, to a width of twenty miles on each side of the said line as provided in the Order in Council, section 11, admitting the Province of British Columbia into Confederation; but nothing in this section contained shall prejudice the right of the Province to receive and be paid by the Dominion Government the sum of one hundred thousand dollars per annum, in half-yearly payments in advance, in consideration of the lands so conveyed, as provided in section 11 of the Terms of Union: Provided always that the line of railway before referred to shall be one continuous line of railway only, connecting the seaboard of British Columbia with the Canadian Pacific Railway, now under construction on the east of the Rocky Mountains. [47 Vict., c. 14, s. 2.]

2. This Act shall not affect or prejudice the rights of the public with respect to common and public highways existing at the date hereof within the limits of the lands hereby intended to be conveyed.

3. This Act may be cited as "An Act to grant Public Lands on the Mainland to the Dominion in aid of the Canadian Pacific Railway, 1880."

CHAPTER 19.

An Act respecting the Official Map of the City of New Westminster.

[8th May, 1880.]

WHEREAS the Corporation of the City of New Westminster, by Preamble.
their petition, have represented: That a survey of the City of New Westminster was in or about the year 1859 made by the Royal Engineers under the direction of Colonel Moody, then Chief Commissioner of Lands and Works, and that the plan or map of the survey was and remains in the office of the Lands and Works Department. That the field-notes of the said survey are not in the Lands and Works Department, and cannot be found, and are lost. That owing to such loss the base-line upon which the said survey was made cannot be positively ascertained. That the petitioners, acting in accordance with the wishes of the ratepayers of the city, caused a survey of the city to be made in the year 1879 by Captain Jemmett and George Turner, land surveyors, and that for the purpose of testing the accuracy thereof a further survey was made in the year 1880 by John H. Gray and George Turner, land surveyors, which verified that of 1879. That the result of the surveys of 1879 and 1880 has been to demonstrate the accuracy of the original survey made as aforesaid under the directions of Colonel Moody, with the following exception, namely: That between Mary and Clement Streets all the lots on the side of Columbia Street farthest from the Fraser River have not their full frontage of sixty-six feet. That a map has been prepared showing the result of the surveys of 1879 and 1880, which map only differs from Colonel Moody's map in these respects: First, it reduces the width of Clement Street from one hundred links to ninety-one links; second, it shows the line which it is proposed to establish as the base-line from and on which future surveys of the city, or any part thereof, shall be made for public or private purposes; third, that it shows the existence of certain water lots on the banks of the Fraser River, adjoining the street known as Quay Side or Front Street, and which were not shown in Colonel Moody's map for the reason that such lots were at that time Imperial property. That the reduction of the width of Clement Street as aforesaid had been made to give the full frontage of sixty-six feet to all the lots on that side of Columbia Street farthest from the Fraser River, and lying between Mary Street and Clement Street, such frontage of sixty-six feet being that contemplated by Colonel Moody's survey. That the map of that survey purports to give such frontage with respect to the said lots; but

the Corporation surveys have demonstrated that between Mary and Clement Streets as aforesaid there are lacking nine links necessary to give the full sixty-six feet frontage to each lot:

And whereas the petitioners, in and by their said petition, further represented that they were desirous that the said map of the City of New Westminster in the Lands and Works Department, commonly known as the official map of the City of New Westminster, might be declared the public official map of the said city, with and subject to the amendments made under the Corporation surveys as aforesaid, and set out in the map of the said Corporation surveys deposited, together with the field-notes, by the petitioners on the twentieth day of April, 1880, in the Land Registry Office at Victoria, and praying that an Act might be passed for the purpose of carrying out the above objects:

And whereas it is desirable to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Declares map made by Royal Engineers, under Colonel Moody, to be the official map of New Westminster City, subject to the "Corporation map."

1. The map of the City of New Westminster made by the Royal Engineers, under the direction of Colonel Moody (hereinafter called "Moody's map"), and commonly known as the official map of the City of New Westminster, and now remaining deposited in the Lands and Works Department, shall and the same is hereby declared to be the public official map of the said city, with and subject to the amendments and alterations made under the Corporation surveys, and as shown and set out in the map of the said Corporation surveys (hereinafter referred to as the "Corporation map"), and the field-notes thereto belonging, deposited, together with the said field-notes, by the said Corporation on the twentieth day of April, 1880, with the Registrar-General of Titles at Victoria.

The map, or a certified copy, to be prima facie evidence of the contents thereof.

2. The said Moody's map, and any copy thereof certified to be a copy thereof by the Chief Commissioner of Lands and Works, and the said Corporation map, and any copy thereof certified to be a copy by the Registrar-General, may be produced in evidence in any action, suit, cause, petition, matter, or other civil proceeding in any of the Courts of Judicature in the Province, and shall, without further proof, be prima facie evidence of the extent, position, and boundaries of streets, lots, and other property in the said city, and all other matters in the said maps referred to or contained.

Official base-line to be that of the Corporation map.

3. The base-line as established and laid down by said Corporation map, and by the field-notes deposited as aforesaid, shall be the official base-line on and from which all future legal surveys of said City of New Westminster shall be made for public or private purposes.

4. The field-notes so deposited as aforesaid, or any copy thereof certified to be a copy by the Registrar-General, may, without further proof, be produced in evidence in any action, suit, cause, petition, or other civil proceeding in any Court of Judicature in the Province, and shall be conclusive evidence of all matters and things therein contained.

The field-notes may be produced in evidence, and shall be conclusive.

5. This Act may be cited as the "New Westminster City Official Map Act, 1880."

Short title.

Victoria and Esquimalt Telephone Company8th May, 1880.

CHAPTER 30.

An Act to enable the Corporation of the City of Victoria to exchange certain Land for other Land suitable for a Public Landing.

[8th May, 1880.]

WHEREAS it is desirable that a public landing should be established at the foot of Yates Street, in the City of Victoria:

Preamble.

And whereas the Corporation of the City of Victoria is now possessed of certain land at the foot of Yates Street aforesaid, being a strip of land lying between Lots Number Two hundred and one and Two hundred and three, in the City of Victoria:

And whereas James Yates is possessed of certain land at the foot of Yates Street, being a part of Lot Number Two hundred and one, which land is thought to be more suitable for a public landing:

Be it enacted by Her Majesty the Queen, by and with the advice and consent of the Legislative Assembly of British Columbia, as follows:—

1. It shall be lawful for the Corporation of the City of Victoria, by a by-law duly passed, to authorize the Mayor for the time being of the City of Victoria to confirm any agreement which the Mayor of the said City of Victoria for the time being may make for an exchange of that portion of land lying between Lots Number Two

Empowers the Corporation of the City of Victoria to exchange certain land at the foot of Yates Street.

hundred and one and Two hundred and three, in the said City of Victoria, owned by the Corporation of the City of Victoria, for such a portion of Lot Number Two hundred and one as may be agreed upon; and thereafter the Corporation of the City of Victoria may, by deed, convey in fee-simple to the said James Yates and his heirs the said strip of land belonging to the said Corporation as aforesaid, and accept a conveyance in fee-simple of the portion of Lot Two hundred and one, now belonging to the said Yates, that may be agreed upon. Any by-law for the purposes mentioned in this Act shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner hereinafter provided, that is to say:—

But subject to the approval of the electors.

How election shall be held.

Persons entitled to vote.

Copies of by-law to be published and posted up.

Such copies are to be certified as correct.

Poll, how taken.

Duties of Returning Officer.

Result, how to be declared.

- (1.) The Municipal Council shall, by public notice, fix the day, hour, and place for taking the votes of the electors thereon at every place in the municipality at which the election of the members of the Council or Councils is held, and shall also name a Returning Officer to take the votes at every such place, and such day shall not be less than seven nor more than twenty-one days after the passage by the Municipal Council of the proposed by-law:
- (2.) Every voter shall have a vote, either confirming or negating the said by-law, in each ward where he or she has a vote for a Municipal Councillor:
- (3.) The Municipal Council shall, for at least ten clear days before the voting-day, publish a copy of such proposed by-law in some newspaper circulating within the municipality, and also post up a copy thereof in at least one public place within each ward:
- (4.) Appended to each copy so published and posted shall be a notice signed by the Clerk of the Municipal Council to the effect following:—

Take notice that the above is a true copy of the proposed by-law upon which the vote of the municipality will be taken at [*place, day, and hour of the day*].
- (5.) The poll shall be taken on the question “aye” or “no,” whether the by-law shall be confirmed, and the poll shall be kept open on the day named between nine o’clock a.m. and five o’clock p.m., and all proceedings thereat and for the purposes thereof shall be conducted, as nearly as may be, as at a municipal election:
- (6.) Every Returning Officer shall, immediately after the closing of the polls, return his poll-book to the Clerk of the Municipal Council, sealed and verified, with a solemn declaration annexed that the poll-book contains a true statement of the votes:
- (7.) The Clerk of the Municipal Council shall unseal the poll-book at the next sitting, and in the presence of the Municipi-

pal Council add up the number of votes for and against the by-law, and certify to the Municipal Council, under his hand, whether the majority have approved or disapproved of the proposed by-law, and shall keep the poll-books among the records of his office:

- (8.) The poll-books shall be open to inspection on payment of a fee of twenty-five cents to the Clerk of the Municipal Council: Inspection of poll-books.
- (9.) Any voter offering to vote on any such by-law as last aforesaid may be required by the Returning Officer, or any person entitled to vote on any such by-law, to make the following oath or affirmation before his or her vote is recorded:— Oath to be taken by voter.

I, A. B., do solemnly and sincerely make oath [or affirm, as the case may be] that I am the person named, or purporting to be named, on the list of voters entitled to vote at the election of a Municipal Councillor for this municipality.

2. This Act may be cited as the “Yates Street Public Landing Act, 1880.” Short title.

CHAPTER 31.

An Act to make valid and binding an Official Map or Survey of the City of Victoria.

[8th May, 1880.]

WHEREAS, in the year 1858, the City of Victoria was surveyed by B. W. Pearse and Joseph D. Pemberton, civil engineers, and a map or plan of the same duly made, which map is now deposited in the office of the Chief Commissioner of Lands and Works at Victoria, and is regarded as an official map of the said City of Victoria: Preamble.

And whereas the said official map or plan is in such a damaged state that measurements and angles cannot be obtained from it with accuracy:

And whereas, by reason of the absence of proper boundary posts and monuments, great difficulties have from time to time arisen in ascertaining the lines of the streets of the said City of Victoria, as the same were originally laid out and defined by the said B. W. Pearse and J. D. Pemberton, Esquires:

And whereas, since the making of the said survey and map, the limits of the said City of Victoria have been enlarged:

And whereas the Corporation of the City of Victoria has, in pursuance of the powers vested in it, caused a survey of the said city to be made by James A. Mahood and Richard C. Cridge, civil engineers, for the purpose of ascertaining, and defining as well, the street-lines originally laid out by the said B. W. Pearse and Joseph D. Pemberton, as the lines of the streets in the enlarged limits of the said city:

And whereas Dennis Harris, C.E., has prepared a plan or map of the said city in accordance with the survey and field-notes made by them, the said James A. Mahood and Richard C. Cridge:

And whereas the survey so made by the said James A. Mahood and Richard C. Cridge, and the said plan made by the said Dennis Harris, have been checked and verified by the said B. W. Pearse and Joseph D. Pemberton, as Commissioners duly appointed for that purpose by the said Corporation of the City of Victoria:

And whereas it is intended that stone boundaries on monuments shall be placed by the said James A. Mahood and Richard C. Cridge, under the directions of the said B. W. Pearse and Joseph D. Pemberton, to mark the governing points and centre lines of the said streets:

And whereas it is expedient to declare that the said map or plan so made by the said Dennis Harris, in pursuance of the survey of the said James A. Mahood and Richard C. Cridge, shall be deemed and taken to be the official map or plan of the City of Victoria, so far as the boundaries of streets in the said city are concerned:

Be it enacted by Her Majesty the Queen, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, as follows:—

Appoints custody of the map of Victoria City made by Dennis Harris from survey of James Mahood and Richard Cridge.

1. The map or plan of the said City of Victoria, made by Dennis Harris, C.E., in accordance with the survey and field-notes of James A. Mahood and Richard C. Cridge, shall be duly signed by the said Dennis Harris and countersigned by the said B. W. Pearse and Joseph D. Pemberton, and shall within six months from the passing of this Act, together with the field-notes of the said James A. Mahood and Richard C. Cridge, be deposited in the office of the Registrar-General of Titles at Victoria, who shall receive the same and file and keep the same among the records of his office.

Monuments to be placed at governing points.

2. Stone monuments, or monuments of other durable material, shall be placed at the governing point and along the centre line of each and every street in the said City of Victoria, under the direction of the said B. W. Pearse and Joseph D. Pemberton, or other persons duly appointed in that behalf by the said Corporation of the City of Victoria, and in accordance with the said map or plan, on or before the expiration of four months from the passing of this Act.

3. The said map or plan of the City of Victoria, after the same shall have been deposited in the hands of the Registrar-General of Titles as aforesaid, shall be deemed to be the official map of the said City of Victoria, and shall be taken as final and conclusive evidence of the boundaries of all streets in the said City of Victoria, and all street boundaries shall thereafter be ascertained and defined in accordance with the said map or plan, and all copies thereof duly certified by the Registrar-General of Titles for the time being shall be received in all Courts of Record and other Courts in British Columbia as true evidence of the original survey of such street boundaries or lines.

Such map when deposited to be the official map of the City of Victoria.

4. The stone monuments finally placed at the several governing points and centres of streets in the said City of Victoria, in accordance with the plan or map certified and deposited with the Registrar-General of Titles in pursuance of the first section of this Act, shall be taken and considered to be the permanent monuments, truly and correctly indicating the several governing points and centres of streets aforesaid in the City of Victoria.

The correct governing points shall be taken to be those at which the monuments are finally placed.

5. Any person owning, or occupying, or having an interest of any kind in any land abutting upon any street in the said City of Victoria, or the agent of any such person, may at any time after the said map or plan shall have been deposited in the office of the Registrar-General of Titles at Victoria, in accordance with section 1 of this Act, apply to the Corporation of the City of Victoria to cause the boundary-line of that portion and side of the street upon which such land shall abut to be surveyed and marked out; and it shall thereupon be the duty of the said Corporation, on payment to the said Corporation of the sum of five dollars, to cause such boundary-line to be surveyed and marked out in accordance with the map or plan made as aforesaid by the said Dennis Harris.

Street-lines to be given.

Fees to be taken therefor.

6. Any land shown by the said map to be included within the limits of any street shall henceforth be taken to be a portion of such street, notwithstanding that the same may be or may at some previous time have been in the possession of any person or persons, or that there are any buildings or improvements thereupon; and it shall thereupon become the duty of the owner, tenant, or other person interested in the land in front of which such street-line shall be defined as aforesaid, on being required by notice in writing signed by the Clerk of the Municipal Council, to remove, within eighteen months after the service of such notice, from off the street all fences, buildings, and other improvements which shall be shown by the said boundary-line to be upon the street; and in default of compliance with the said notice it shall be lawful for the Corporation of the City of Victoria to cause such fences, buildings, and other improvements to be removed from the said street as aforesaid, and the cost

Provides for appropriation of lands forming part of any street, and for the removal of buildings, etc., therefrom.

Notice to remove.

In default of compliance the Corporation may effect removal.

Compensation to be given for lands so taken, and how amount to be ascertained.

Arbitrators to be appointed.

Manner of appointment.

Third arbitrator, how appointed.

Provides for cases where owner is an infant, feme covert, or absentee.

Arbitrators to be sworn.

Form of oath.

Duties of Board of Arbitrators.

Award to be final.

of effecting such removal may be recovered by the said Corporation against the owner or tenant of the said land by action in any Court of competent jurisdiction in an action in the name of the Clerk for the time being of the said Corporation: Provided always that any person who shall be required under this Act to give up and surrender possession of any land, or who shall have any interest or estate in such land, or who shall be required to remove any fences or buildings or other improvements from such lands, shall be entitled, subject to the exceptions hereinafter mentioned, to a reasonable compensation therefor, to be paid by the Corporation of the City of Victoria, to be agreed upon between such person and the said Corporation; and in case of disagreement between such person and the said Corporation as to the amount of compensation, the same shall, at the option of the claimant, be decided by the Board of Arbitrators to be appointed as hereinafter directed, or by three arbitrators of the City of Victoria shall appoint one, the owner, tenant, or other person making the objection shall appoint another, and such two arbitrators shall appoint a third arbitrator within ten days after their appointment, but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court shall, on the application of either party, by way of a summary application by summons in Chambers, of which due notice shall be given to the other party, appoint such third arbitrator. In case any such owner, or tenant, or other person shall be an infant, married woman, or insane, or absent from this Province, and having no agent in the Province, or shall refuse to appoint an arbitrator on his or her behalf, then it shall be the duty of each and every of the Judges of the Supreme Court of British Columbia, on application being made in manner aforesaid for that purpose by the Corporation of the City of Victoria, to nominate and appoint three indifferent persons to be arbitrators. The arbitrators to be appointed as hereinafter mentioned shall be sworn before some one of Her Majesty's Justices of the Peace in and for the City of Victoria, to well and truly decide the question between the person claiming compensation as aforesaid and the Corporation of the City of Victoria. And it shall be the duty of the said Board of Arbitrators, or the arbitrators appointed under this section, within three months after such question shall be referred to them as aforesaid, to decide, award, determine, and adjudge the respective sums of money which the said Corporation shall pay to the person entitled to the same, and the award of the majority of the arbitrators shall be final. And the said arbitrators shall be and they are hereby required to attend at some convenient place, after eight days' notice given for that purpose by the said Corporation or by the claimant for compensation, then and there to arbitrate and award, adjudge, and determine such matters and things as shall

be submitted to their consideration, and each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace in and for the City of Victoria, any of whom may be required to attend the meeting for that purpose, well and truly to assess the value or damages or amount of compensation between the parties to the best of his judgment: Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia on the following grounds and no others, namely: That the arbitrators have been guilty of misconduct or have awarded the compensation on a wrong principle, in which case reference shall be made to arbitration again as hereinbefore provided.

Appeal to Supreme Court.

Grounds of appeal.

7. No person shall be entitled to any compensation in respect of any land which he may be required to surrender as part of a street under the provisions of this Act, or in respect of the removal of any improvements, if it shall be proved to the satisfaction of the Board of Arbitrators, or the arbitrators, as the case may be, before whom any claim for compensation may be pending, that the person making such claim has wilfully and knowingly encroached upon the street, or that he purchased and occupied the said land knowing that the original purchaser thereof from the Crown or the Hudson Bay Company wilfully encroached upon the street upon which such land abuts, or that after being deprived of such strip of land as may be shown by the said map or plan to be within the limits of the street there still remains to him the quantity of land mentioned in his muniments of title to the lot or portion of lots so held by him. And in all cases the onus of proving that any encroachment was wilfully and knowingly made, or that the claimant for compensation purchased or acquired his interest in the said land knowing that the original purchaser and occupier thereof from the Crown or the Hudson Bay Company had encroached upon the street upon which such land abuts, shall lie upon the said Corporation.

When lands may be taken and improvements removed therefrom without compensation.

8. It shall be the duty of the Corporation of the City of Victoria, within one month after the passing of this Act, to appoint three persons to constitute a Board of Arbitrators under this Act, upon such terms as to compensation as may be agreed upon between the said Corporation and such persons. And the said arbitrators shall, immediately after such appointment, take and subscribe before some Justice of the Peace in the said City of Victoria the following oath of office:—

A Board of Arbitrators to be appointed.

I, A. B., of _____, do solemnly and sincerely promise and swear that I will well and truly assess all claims for damages or compensation which may be submitted to me for my consideration under the provisions of "The Act to make valid and binding an Official Map of the City of Victoria."

Oath of office.

And such oath of office, duly subscribed and sworn, shall be immediately thereafter filed in the office of the Clerk of the said

Remuneration.	Corporation. The compensation to the said arbitrators for their services in any matter under the provisions of this Act shall be paid by the Corporation of the City of Victoria.
Vacancies in Board, how filled.	9. Any vacancy occurring in the said Board of Arbitrators by death, resignation, or otherwise may from time to time be filled by the appointment of another person by the said Corporation.
Tender of compensation.	10. Whenever any person shall be entitled to any compensation under this Act, it shall be the duty of the Corporation to tender to such person, or his agent, such a sum of money as the said Corporation shall consider a proper compensation for the damage sustained by such person; and in the event of such tender not being accepted and an arbitration being held under the provisions of this Act to determine the amount of such compensation, then in case the arbitrators shall award no greater sum than the amount tendered as aforesaid, the costs of the arbitration, including the costs of the said Corporation, shall be in the discretion of the arbitrators; but in case the said arbitrators shall award to such claimant a greater sum than the amount tendered as aforesaid, or in case no tender shall have been made and compensation shall be awarded to the claimant, the cost of such arbitration, including the costs of the claimant, shall be borne by the said Corporation, and the said arbitrators shall so direct in their award.
Costs of arbitration.	
The Corporation may appropriate from their funds sufficient to carry out this Act.	11. It shall be lawful for the Corporation of the City of Victoria, by resolution, to appropriate so much of the general funds of the said Corporation as may be necessary to carry out the provisions of this Act, and to pay any compensation which the said Corporation may be required to pay to any person claiming compensation under the provisions of this Act.
Short title.	12. This Act may be cited as the "City of Victoria Official Map Act, 1880."

Waverly Hydraulic Mining Company8th May, 1880.

CHAPTER 2.

An Act to constitute the Bishops of British Columbia, Caledonia, and New Westminster Corporations sole.

[25th March, 1881.]

WHEREAS the Bishop of British Columbia has been constituted a Corporation sole by Royal Letters Patent, and has in that capacity received, held, and conveyed real estate: Preamble.

And whereas the Diocese of British Columbia has been divided into three sees—the Bishopric of British Columbia, the Bishopric of Caledonia, and the Bishopric of New Westminster:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The present Bishop of British Columbia is and he and his successors in office, duly elected or acknowledged by the Synod of his Diocese, or otherwise duly appointed and consecrated by lawful authority Bishops of British Columbia, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of British Columbia as heretofore used, with power to acquire and hold lands; and all real estate conveyed to or vested in the Bishop of British Columbia, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof. Incorporates Bishop of British Columbia and his successors.

Power to hold and deal with land.

2. The present Bishop of Caledonia and his successors in office, duly elected or acknowledged by the Synod of the Diocese of Caledonia, or otherwise duly appointed and consecrated by lawful authority Bishops of Caledonia, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of Caledonia as heretofore used, with power to acquire and hold lands; and all real estate conveyed to or vested in the Bishop of Caledonia, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof. Incorporates Bishop of Caledonia and his successors.

Power to hold and deal with land.

3. The present Bishop of New Westminster and his successors in office, duly elected or acknowledged by the Synod of the Diocese of New Westminster, or otherwise duly appointed and consecrated by lawful authority Bishops of New Westminster, shall be a Corporation sole with perpetual succession, retaining the name of the Lord Bishop of New Westminster as heretofore used, with power to acquire and hold lands; and all real estate conveyed to or vested in Incorporates Bishop of New Westminster and his successors.

Power to hold and deal with land.

the Bishop of New Westminster, whether in trust or otherwise, shall be vested in the said Corporation sole, with power, subject to all existing trusts, to sell, convey, lease, mortgage, or otherwise deal with the same or any part thereof.

May hold land to
extent of 5,000 acres.

4. The extent of real estate held by the said Bishops in their corporate capacity, respectively, within the Province of British Columbia, shall not exceed 5,000 acres each at any time.

No spiritual or
ecclesiastical rights
conferred hereby.

5. Nothing in this Act contained shall or shall be deemed to confer any spiritual or ecclesiastical rights whatsoever upon the said Episcopal Corporations hereby continued or created.

Short title.

6. The short title of this Act shall be "Anglican Bishops' Corporation Act."

Quesnelle Lake Dam25th March, 1881.
Vancouver Coal Mining and Railway25th March, 1881.

CHAPTER 26.

An Act to amend the "City of Victoria Official Map Act, 1880."

[25th March, 1881.]

Preamble.

WHEREAS, in the year 1880, the City of Victoria was surveyed by James A. Mahood and Richard C. Cridge, civil engineers: And whereas Dennis Harris, C.E., in accordance with the survey and field-notes of the said James A. Mahood and Richard C. Cridge, prepared a map or plan of the said city:

And whereas on the said map that portion of Government Street lying between Fort and Johnson Streets, in the City of Victoria aforesaid, is represented as not having a uniform width:

And whereas the said Corporation desire to alter and amend that portion of the said map which relates to the said part of Government Street so as to make the westerly boundary of the said part of Government Street parallel to the eastern boundary of the said part of Government Street and at a distance of seventy feet from the said eastern boundary:

Be it enacted by Her Majesty the Queen, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, as follows:—

1. It shall be lawful for the Corporation of the City of Victoria to cause the map of the said City of Victoria to be altered and amended under the direction of B. W. Pearse and Joseph D. Pemberton, civil engineers, or such other Commissioner or Commissioners as may be appointed by the said Corporation by resolution in the place and stead of the said B. W. Pearse and Joseph D. Pemberton, or either of them, in the event of the death, resignation, refusal to act, or absence from the said Province of the said B. W. Pearse or Joseph D. Pemberton, or either of them, by defining the western boundary of Government Street, between Fort and Johnson Streets, so that the same shall be parallel to the eastern boundary of the same portion of the said Government Street and at a distance of seventy feet therefrom.

Authorizes alterations to official map of Victoria City by defining western boundary of Government Street, between Fort and Johnson Streets.

2. The said map shall be altered and amended as aforesaid within six months after the passing of this Act, and shall at the time the same shall be amended as aforesaid be signed by the Commissioners or Commissioner under whose direction such alteration and amendment shall have been made.

Alterations to be completed within six months.

3. After the said map shall have been altered and amended in pursuance of this Act, the western boundary of Government Street, between Fort and Johnson Streets, in the said City of Victoria, shall be the boundary laid down upon the said map as amended under the provisions of this Act.

Adopts the altered boundary as authorized by this Act.

4. The Registrar-General of Titles shall, during office hours, permit the Corporation of the City of Victoria, and any Commissioner or Commissioners acting under their instructions, to have access to the said map, and shall suffer and permit the same to be altered and amended in conformity with this Act.

Authorizes Registrar-General of Titles to permit map to be altered.

5. This Act may be cited as the "City of Victoria Official Map Amendment Act, 1881."

Short title.

Vitalle Creek, Clifford and May Special Privileges..12th May, 1883.
 Quesnelle Lake Dam12th May, 1883.
 Columbia and Kootenay Transportation Company..12th May, 1883.
 Wellington Collieries Company12th May, 1883.

CHAPTER 32.

An Act relating to the Official Map of the City of Victoria.

[12th May, 1883.]

Preamble.

WHEREAS alterations or amendments, other than those authorized by the "City of Victoria Official Map Amendment Act, 1881," have been made in the map or plan of the City of Victoria, prepared by Dennis Harris, C.E., and referred to in the said Act, but such alterations were made in the said map before the registration thereof:

And whereas it is expedient to declare that the said map or plan as so altered and amended shall be deemed and taken to be the official map or plan of the City of Victoria, so far as the boundaries of streets in the said city are concerned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

The map of Victoria City deposited in the office of the Registrar-General to be the official map of said city.

1. The map or plan of the City of Victoria referred to in the "City of Victoria Official Map Act, 1880," and the "City of Victoria Official Map Amendment Act, 1881," and deposited in the office of the Registrar-General, shall be deemed to be the official map of the City of Victoria, and shall be taken as final and conclusive evidence of the boundaries of all the streets in the said City of Victoria defined upon the said map or plan, and all such street boundaries shall be ascertained and defined in accordance with the said map or plan, and all copies thereof duly certified by the Registrar-General of Titles for the time being shall be received in all Courts of Record and other Courts in British Columbia as true evidence of the original survey of such street boundaries or lines.

Construction of Acts with reference to certain alterations in the map.

2. In reading and construing the said Acts or either of them, the amendments and alterations which have been made in the said plan shall be deemed to have been made before the passing of the "City of Victoria Official Map Act, 1880," and to have formed part of the plan therein referred to.

Not to affect roads and streets dedicated to the public.

3. Nothing herein contained shall be deemed to in any manner affect the right of the public to the use and enjoyment of streets, roads, and highways acquired by dedication or otherwise, and not defined by the map or plan.

Short title.

4. This Act may be cited as the "City of Victoria Official Map Act, 1883."

Yale Fire Brigade12th May, 1883.

CHAPTER 37.

An Act relating to the Extension of Yates Street, in the City of Victoria.

[12th May, 1883.]

WHEREAS it is desirable that the street in the City of Victoria known as Yates Street should be extended from the easterly end thereof to the Cadboro Bay Road, and it is proposed that the said street shall be so extended: Preamble.

And whereas a plan on which the line of the proposed extension of Yates Street as aforesaid is indicated by colour blue has been deposited in the office of the Chief Commissioner of Lands and Works, at James Bay:

And whereas the said street will, if extended as aforesaid, pass through or over part of the land in said city known as the "School Reserve," and it is expedient that the Crown, trustees, or other persons in whom the fee-simple of the land so known as aforesaid may be vested, or who may have any estate or interest in said land, should, with the assent of the persons who for the time being shall appear on the assessment roll of the City of Victoria as the owners of real estate or the holders of trades licences first obtained, be empowered to convey to the Corporation of the City of Victoria such part of the said land as may be required for the purpose of such extension:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Notwithstanding the Act passed in the year 1882, intituled "An Act to amend the 'Public School Act, 1879,'" it shall be lawful for the Crown, trustees, or other persons in whom the fee-simple of the land situated in the City of Victoria and known as the "School Reserve" may be vested, or who may have any estate or interest in such land, to convey to the Corporation of the City of Victoria, subject to such conditions (if any) as the Chief Commissioner of Lands and Works may impose, such part of the said land, not exceeding one hundred feet in width, that is to say, from the northerly to the southerly limit of the same, as shall be required for the purpose of such extension, to the intent that the same may be used as a public thoroughfare, and shall be held by the said

Authorizes Crown, trustees, etc., of Victoria School Reserve to convey 100 feet of said reserve to Victoria City.

Such conveyance to be sanctioned by a vote of the rate-payers, etc.

Corporation for such purpose; but no such conveyance shall be made until the assent thereto of the persons who for the time being shall appear on the assessment roll of the City of Victoria as the owners of real estate or the holders of trade licences, signified by a vote to be taken in a manner to be appointed by the Mayor and Council of the said city, shall have been obtained.

Compensation to be paid for the lands so taken.

Amount, how to be determined in case of dispute.

2. The Corporation of the City of Victoria shall for all lands taken under the foregoing section make compensation therefor to the Government of British Columbia; such compensation, in the event of dispute, to be determined by two arbitrators, one to be chosen by the Chief Commissioner of Lands and Works, and the other by the said Corporation; and in the event of disagreement, by an umpire to be mutually chosen, whose decision shall be final.

Proceeds of such land to be appropriated for school purposes.

3. The moneys to be received by the Government for such compensation shall be devoted to school purposes within the said city, and may at any time be expended for that purpose.

"School Act Amendment Act, 1882," not to apply.

4. The said Act intituled "An Act to amend the 'Public School Act, 1879,'" shall not apply to the piece of land, portion of the aforesaid School Reserve, which is hereby authorized to be conveyed to the Corporation of the City of Victoria for the purpose of the extension of Yates Street aforesaid.

Short title.

5. This Act may be cited as the "Yates Street Extension Act, 1883."

Victoria Transfer Company12th May, 1883.

CHAPTER 14.

An Act relating to the Island Railway, the Graving-dock, and Railway Lands of the Province.

[19th December, 1883.]

Preamble.

WHEREAS negotiations between the Governments of Canada and British Columbia have been recently pending, relative to delays in the commencement and construction of the Canadian Pacific Railway, and relative to the Island Railway, the graving-dock, and the railway lands of the Province:

And whereas for the purpose of settling all existing disputes and difficulties between the two Governments it hath been agreed as follows:—

- (a.) The Legislature of British Columbia shall be invited to amend the Act No. 11 of 1880, intituled "An Act to authorize the Grant of certain Public Lands on the Mainland of British Columbia to the Government of the Dominion of Canada for Canadian Pacific Railway Purposes," so that the same extent of land on each side of the line of railway through British Columbia, wherever finally settled, shall be granted to the Dominion Government in lieu of the lands conveyed by that Act:
- (b.) The Government of British Columbia shall obtain the authority of the Legislature to grant to the Government of Canada a portion of the lands set forth and described in the Act No. 15 of 1882, intituled "An Act to incorporate the Vancouver Land and Railway Company," namely, that portion of the said lands therein described, commencing at the southern boundary thereof and extending to a line running east and west, half-way between Comox and Seymour Narrows; and also a further portion of the lands conveyed by the said Act to the northward of and contiguous to that portion of the said lands last hereinbefore specified, equal in extent to the lands within the limits thereof which may have been alienated from the Crown by Crown grants, pre-emption, or otherwise:
- (c.) The Government of British Columbia shall obtain the authority of the Legislature to convey to the Government of Canada three and one-half millions of acres of land in the Peace River District of British Columbia, in one rectangular block, east of the Rocky Mountains and adjoining the North-West Territory of Canada:
- (d.) The Government of British Columbia shall procure the incorporation, by Act of their Legislature, of certain persons, to be designated by the Government of Canada, for the construction of the railway from Esquimalt to Nanaimo:
- (e.) The Government of Canada shall, upon the adoption by the Legislature of British Columbia of the terms of this agreement, seek the sanction of Parliament to enable them to contribute to the construction of a railway from Esquimalt to Nanaimo the sum of seven hundred and fifty thousand dollars, and they agree to hand over to the contractors who may build such railway the lands which are or may be placed in their hands for that purpose by British Columbia; and they agree to take security, to the satisfaction of the Government of that Province, for the construction and completion of such railway on or before the tenth day of June, 1887; such construction to commence forthwith:

- (f.) The lands on Vancouver Island to be so conveyed shall, except as to coal and other minerals, and also except as to timber lands as hereinafter mentioned, be open for four years from the passing of this Act to actual settlers, for agricultural purposes, at the rate of one dollar an acre, to the extent of one hundred and sixty acres to each such actual settler; and in any grants to settlers the right to cut timber for railway purposes, and rights-of-way for the railway, and stations and workshops, shall be reserved. In the meantime, and until the railway from Esquimalt to Nanaimo shall have been completed, the Government of British Columbia shall be the agents of the Government of Canada for administering, for the purposes of settlement, the lands in this subsection mentioned; and for such purposes the Government of British Columbia may make and issue, subject as aforesaid, pre-emption records to actual settlers of the said lands. All moneys received by the Government of British Columbia in respect of such administration shall be paid, as received, into the Bank of British Columbia, to the credit of the Receiver-General of Canada; and such moneys, less expenses incurred (if any), shall, upon the completion of the railway to the satisfaction of the Dominion Government, be paid over to the railway contractors:
- (g.) The Government of Canada shall forthwith take over and seek the authority of Parliament to purchase and complete, and shall, upon the completion thereof, operate as a Dominion work, the dry-dock at Esquimalt; and shall be entitled to and have conveyed to them all the lands, approaches, and plant belonging thereto, together with the Imperial appropriation therefor, and shall pay to the Province as the price thereof the sum of two hundred and fifty thousand dollars, and shall further pay to the Province whatever amounts shall have been expended by the Provincial Government, or which remain due, up to time of the passing of this Act, for work or material supplied by the Government of British Columbia since the twenty-seventh day of June, 1882:
- (h.) The Government of Canada shall, with all convenient speed, offer for sale the lands within the Railway Belt upon the Mainland, on liberal terms to actual settlers; and
- (i.) Shall give persons who have squatted on any of the said lands within the Railway Belt on the Mainland, prior to the passing of this Act, and who have made substantial improvements thereon, a prior right of purchasing the lands so improved, at the rates charged to settlers generally:

(k.) This agreement is to be taken by the Province in full of all claims up to this date by the Province against the Dominion in respect of delays in the commencement and construction of the Canadian Pacific Railway, and in respect of the non-construction of the Esquimalt and Nanaimo Railway, and shall be taken by the Dominion Government in satisfaction of all claims for additional lands under the Terms of Union, but shall not be binding unless and until the same shall have been ratified by the Parliament of Canada and the Legislature of British Columbia:

And whereas it is expedient that the said agreement should be ratified, and that provision should be made to carry out the terms thereof:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The hereinbefore-recited agreement shall be and is hereby ratified and adopted. Adopts the agreement above recited.

2. Section 1 of the Act of the Legislature of British Columbia, No. 11 of 1880, intituled "An Act to authorize the Grant of certain Public Lands on the Mainland of British Columbia to the Government of the Dominion of Canada for Canadian Pacific Railway Purposes," is hereby amended so as to read as follows: [*See the Act 43 Vict., c. 11, 1880, ante.*] Amends s. 1, c. 11, Act of 1880.

3. There is hereby granted to the Dominion Government for the purpose of constructing and to aid in the construction of a railway between Esquimalt and Nanaimo, and in trust to be appropriated as they may deem advisable (but save as is hereinafter excepted), all that piece or parcel of land situate in Vancouver Island, described as follows:—

Bounded on the south by a straight line drawn from the head of Saanich Inlet to Muir Creek, on the Straits of Fuca; Grant of Crown land on Vancouver Island in aid of the Esquimalt-Nanaimo Railway.
On the west by a straight line drawn from Muir Creek aforesaid to Crown Mountain; Boundaries on land granted.
On the north by a straight line drawn from Crown Mountain to Seymour Narrows; and
On the east by the coast-line of Vancouver Island to the point of commencement; and including all coal, coal-oil, ores, stones, clay, marble, slate, mines, minerals, and substances whatsoever thereupon, therein, and thereunder.

4. There is excepted out of the tract of land granted by the preceding section all that portion thereof lying to the northward of a line running east and west half-way between the mouth of the Courtenay River (Comox District) and Seymour Narrows. Certain land excepted from the grant.

Other lands to be given for those alienated out of the tract granted.

5. Provided always that the Government of Canada shall be entitled out of such excepted tract to lands equal in extent to those alienated up to the date of this Act by Crown grant, pre-emption, or otherwise, within the limits of the grant mentioned in section 3 of this Act.

Grant not to include lands alienated, nor Indian or naval reserves.

6. The grant mentioned in section 3 of this Act shall not include any lands now held under Crown grant, lease, agreement for sale, or other alienation by the Crown, nor shall it include Indian reserves or settlements, nor naval or military reserves.

Grant of 3,500,000 acres of land in Peace River District to the Dominion Government.

7. There is hereby granted to the Dominion Government three and a half million acres of land in that portion of the Peace River District of British Columbia lying east of the Rocky Mountains and adjoining the North-West Territory of Canada, to be located by the Dominion in one rectangular block.

Incorporation of the Esquimalt and Nanaimo Railway Company.

8. For the purpose of facilitating the construction of the railway between Esquimalt and Nanaimo, it is hereby enacted that such persons (hereinafter called "the Company") as may be named by the Governor-General in Council, with all such other persons and corporations as shall become shareholders in the Company, shall be and are hereby constituted a body corporate and politic by the name of "The Esquimalt and Nanaimo Railway Company."

Gives the said Company power to construct a line of railway from Esquimalt to Nanaimo.

9. The Company, and their agents and servants, shall lay out, construct, equip, maintain, and work a continuous double- or single-track steel railway of the gauge of the Canadian Pacific Railway, and also a telegraph-line, with the proper appurtenances, from a point at or near the Harbour of Esquimalt, in British Columbia, to a port or place at or near Nanaimo, on the eastern coast of Vancouver Island, with power to extend the main line to Comox and Victoria, and to construct branches to settlements on the east coast, and also to extend the said railway by ferry communications to the Mainland of British Columbia, and there to connect or amalgamate with any railway-line in operation or course of construction. The Company shall also have power and authority to build, own, and operate steam and other vessels in connection with the said railway on and over the bays, gulfs, and inland waters of British Columbia.

Power to operate steam and ferry boats.

Power to receive grants of land, etc., from Government of Canada in aid of construction.

10. The Company may accept and receive from the Government of Canada any lease, grant, or conveyance of lands, by way of subsidy or otherwise, in aid of the construction of the said railway, and may enter into any contract with the said Government for or respecting the use, occupation, mortgage, or sale of the said lands, or any part thereof, on such conditions as may be agreed upon between the Government and the Company.

Capital stock \$3,000,000.

11. The capital stock of the Company shall be three millions of dollars, and shall be divided into shares of one hundred dollars each,

but may be increased from time to time by the vote of the majority in value of the shareholders present in person, or represented by proxy, at any meeting specially called for the purpose, to an amount not exceeding five million dollars.

12. The persons to be named as aforesaid by the Governor-General in Council shall be and are hereby constituted a Board of provisional directors of the Company, and shall hold office as such until other directors shall be elected under the provisions of this Act, and shall have power to fill any vacancies that may occur in the said Board; to open stock-books at Victoria, British Columbia, or any other city in Canada; procure subscriptions, and receive payments on stock subscribed.

Provisional directors.

13. When and so soon as one-half of the capital stock shall have been subscribed, and one-tenth of the amount thereof paid into any chartered bank, either at Victoria or San Francisco, or partly in each, the provisional directors may order a meeting of shareholders to be called at Victoria, British Columbia, at such time as they think proper, giving at least three weeks' notice thereof in one or more newspapers published in the City of Victoria, and by a circular letter mailed to each shareholder, at which meeting the shareholders present in person or by proxy shall elect five directors, qualified as hereinafter provided, who shall hold office until the first Wednesday in October in the year following their election.

First general meeting of shareholders.

Notice of meeting.

14. On the said first Wednesday in October, and on the same day in each year thereafter, at the City of Victoria, or at such other place as shall be fixed by the by-laws of the Company, there shall be held a general meeting of the shareholders for receiving the report of the directors transacting the business of the Company, general or special, and electing the directors thereof; and public notice of such annual meeting and election shall be published for one month before the day of meeting in one or more newspapers in the City of Victoria, and by circular letter mailed to each shareholder at least one month prior thereto. The election of directors shall be by ballot, and all shareholders may vote by proxy.

Annual meetings of shareholders.

Election of directors.

15. Three of the directors shall form a quorum for the transaction of business, and the Board may employ one or more of their number as paid director or directors: Provided that no person shall be elected director unless he owns at least twenty-five shares of the stock of the Company on which calls have been paid.

Quorum.

Qualification of directors.

16. No call shall be made for more than ten per centum at any one time on the amount subscribed, nor shall more than fifty per centum of the stock be called up in any one year.

Calls.

17. The Consolidated Railway Act, eighteen hundred and seventy-nine (1879), of Canada, shall, so far as its provisions are applicable

Consolidated Railway Act, 1879, of Canada to apply.

to the undertaking and are not inconsistent with or contrary to the provisions of this Act, apply to the said railway, and shall be read with and form part of this Act.

Interpretation.

18. The words "Superior Court," "Clerks of the Peace," "Registry Offices," "Clerk of Court," as used in the said Consolidated Railway Act, eighteen hundred and seventy-nine (1879), shall, for the purposes of this Act, be read and construed in the same sense and meaning as is provided by the Act passed by the Legislature thirty-eight (38) Victoria, chapter thirteen (13), section three (3).

(3. In applying the said Railway Act to the said railway or any portion thereof,—

The expression "the railway" shall be construed as meaning the said railway, or any section thereof, the construction of which has been undertaken by any contractors:

The expression "the Company" shall mean the contractors for the same; and such contractors shall have all the rights and powers vested in companies by the said Act:

The words "Superior Court" shall be held to mean the Supreme Court of British Columbia:

"Clerks of the Peace" shall be held to mean Chief Commissioner of Lands and Works, Commissioner, and Government Agent, respectively:

"Registry Offices" shall mean the "Land Registry Office, Victoria," or any other office named by the Dominion Government:

"Clerk of the Court" shall be held to mean the Registrar of the Supreme Court. 38 Vict., c. 13, s. 3; *repealed*, 1882.)

Sections 5 and 6 of said Act to be read herewith.

19. Sections five (5) and six (6) of the said last-mentioned Act shall be read with and form part of this Act.

As to encumbrances on lands.

(5. The provisions made in subsections (30), (31), and (32) of section 9 of the "Railway Act, 1868," as to encumbrances on lands acquired for the said railway, shall apply to lands so acquired in the Province of British Columbia; the Supreme Court of the Province shall, as to such lands, be held to be the Court intended in the said subsections.

Judicial powers.

6. In the Province of British Columbia any Judge of a Superior or County Court shall have all the powers given by the said Act to a County Judge. 38 Vict., c. 13, ss. 5, 6; *repealed*, 1882.)

Commencement and completion of line.

20. The said railway-line from Esquimalt to Nanaimo shall be commenced forthwith and completed on or before the tenth day of June, 1887.

Exemption from Provincial taxation for ten years.

21. The railway, with its workshops, stations, and other necessary buildings and rolling-stock, and also the capital stock of the Rail-

road Company, shall be exempt from Provincial and Municipal taxation until the expiration of ten years from the completion of the railroad.

22. The lands to be acquired by the Company from the Dominion Government for the construction of the railway shall not be subject to taxation, unless and until the same are used by the Company for other than railroad purposes, or leased, occupied, sold, or alienated.

The lands granted to be free from taxation until alienated by the Company.

23. The Company shall be governed by subsection (f) of the hereinafore-recited agreement, and each bona-fide squatter who has continuously occupied and improved any of the lands within the tract of land to be acquired by the Company from the Dominion Government for a period of one year prior to the first day of January, 1883, shall be entitled to a grant of the freehold of the surface rights of the said squatted land, to the extent of one hundred and sixty acres to each squatter, at the rate of one dollar an acre.

Provides for grant of 160 acres to squatters who have been in possession of land one year.

Surface rights only to be granted.

24. The Company shall at all times sell coals gotten from the lands that may be acquired by them from the Dominion Government to any Canadian railway company having the terminus of its railway on the seaboard of British Columbia, and to the Imperial, Dominion, and Provincial authorities, at the same rates as may be charged to any railway company owning or operating any railway in the United States, or to any foreign customer whatsoever.

Provision as to price of coals sold to railway companies.

25. All lands acquired by the Company from the Dominion Government under this Act containing belts of timber fit for milling purposes shall be sold at a price to be hereafter fixed by the Government of the Dominion, or by the Company hereby incorporated.

Price of timber lands how to be fixed.

26. The existing rights (if any) of any persons or corporations in any of the lands so to be acquired by the Company shall not be affected by this Act, nor shall it affect military or naval reserves.

Existing rights not to be affected.

27. The said Esquimalt and Nanaimo Railway Company shall be bound by any contract or agreement for the construction of the railway from Esquimalt to Nanaimo which shall be entered into by and between the persons so to be incorporated as aforesaid and Her Majesty, represented by the Minister of Railways and Canals, and shall be entitled to the full benefit of such contract or agreement, which shall be construed and operate in like manner as if such Company had been a party thereto in lieu of such persons, and the document had been duly executed by such Company under their corporate seal.

Contracts, etc., entered into with the Dominion Government for construction of Esquimalt-Nanaimo Railway to be binding on the Company.

28. The railways to be constructed by the Company in pursuance of this Act shall be the property of the Company.

Railway, etc., to be the property of the Company.

CHAPTER 20.

An Act respecting the Union of certain Methodist Churches in Canada.

[18th February, 1884.]

Preamble.

WHEREAS the several religious denominations hereinafter mentioned, viz.: The Methodist Church of Canada, the Methodist Episcopal Church in Canada, the Primitive Methodist Church in Canada, and the Bible Christian Church in Canada, have agreed to unite under the name of "The Methodist Church," on the basis of union adopted by the said four denominations, and the rules, regulations, and discipline also adopted by the said four denominations, in a general convention or conference assembled at the City of Belleville, in the Province of Ontario, in the Dominion of Canada, on the fifth day of September, 1883, which basis of union, rules, regulations, and discipline are to be found in the journal of the said conference published in the City of Toronto, in the Province of Ontario aforesaid, by the Reverend William Briggs, in the said year 1883, and also in the book of discipline published by the said Reverend William Briggs, at Toronto aforesaid, in the year 1884:

And whereas the said four denominations have by petition set forth that they are desirous of having the said union ratified, and have petitioned the Parliament of Canada for an Act to incorporate the said Churches, under the name of "The Methodist Church," and are desirous of having an Act passed by the Legislature of the Province of British Columbia to ratify and confirm the said union, and to vest in the said Methodist Church all the property in the Province of British Columbia aforesaid now vested or held in trust for each of the said denominations or Churches upon such trusts and for such purposes as may be declared in the said Act of incorporation, and to confer upon the said Church such further powers as may be requisite:

And whereas it is deemed expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Ratifies basis of union above recited.

1. That the said basis of union of the said Churches is hereby ratified and confirmed.

Vests the property of the religious denominations above named in the Methodist Church.

2. As soon as the said Act of incorporation shall have been passed, all the property, real and personal, within the Province of British Columbia now belonging to or held in trust for or to the use of the said denominations, or any of them, or belonging to or held in trust

for or to the use of any corporation under the government, dominion, or control of any of the said four denominations, shall thenceforth be vested in and held, used, and administered for the benefit of the said Methodist Church, upon the trust and for the ends and purposes declared in said Act of incorporation. Trusts declared.

3. As soon as the said Act of incorporation shall have been passed, all the property, real or personal, within the Province of British Columbia now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said denominations shall thenceforth be held, used, and administered for the benefit of the said Methodist Church, upon the trust set out in the Second Schedule to the said Act of incorporation. Property of congregation, etc., in connection or communion with said denominations.

Trusts declared.

4. Each and every Registrar-General of Titles or Deputy Registrar of Titles shall, upon receiving notification from the president or secretary of the general conference, or of any general conference within the bounds of which the lands in such conference district may lie, of this Act coming into force, and of the lands in such conference district affected thereby, enter a note or memorandum thereof, giving the number and title of the Act and the date of the passing thereof upon the record of title of each lot or parcel of land affected thereby. All copies of the basis of union, rules, regulations, and discipline, or any amendments or alterations thereof, published in any book of discipline or minutes of conference, under the direction or authority of the general conference of the Methodist Church, or a copy of any by-law or resolution of said general conference, under the seal of the corporation, shall be prima facie evidence in all Courts of the Province of British Columbia of the contents thereof. Registration of the title to the lands so vested.

Evidence of basis of union, rules, etc.

5. That the fees payable in respect of any such note or memorandum shall be the same fees as those payable under the "Land Registry Act" in respect to the registration of absolute fees. Fees payable on registration of title.

6. *[Repealed, 1891, c. 24.]*

7. All Acts or portions of Acts inconsistent with the provisions of this Act are hereby repealed, in so far as may be necessary to give full effect to this Act. Inconsistent Acts repealed.

Columbia and Kootenay Railway and Transportation Company18th February, 1884.

CHAPTER 26.

An Act to authorize the City of New Westminster to sell certain Lands.

[Passed 18th February, 1884.]

[Amended 9th March, 1885.]

Preamble.

WHEREAS a petition has been presented by the Corporation of the City of New Westminster, praying for the passing of an Act to grant to the said Corporation the public squares or reserves situate within the limits of the said City:

And whereas it is expedient to grant the prayer of said petition, subject as hereinafter mentioned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Grants certain named public reserves to the Corporation of New Westminster City.

1. There is hereby granted to the Corporation of the City of New Westminster all those the public squares or reserves and public lands, situate within the limits of the City of New Westminster, hereinafter mentioned, that is to say: The two reserves between Queen's Avenue and Royal Avenue, intersected by Simcoe Street; the two reserves bounded Queen's Avenue, Royal Avenue, Clinton Place, Bonson Street, and the Park; St. Andrew's Square, St. George's Square, St. Patrick's Square, Louisa Gardens, Alice Gardens, Victoria Gardens, Government Office Gardens, Sailors' Home, Merchant Square, Lytton Square, Pleasure Grounds; fifteen in all, and so named or described on the official map of the City of New Westminster; and the said lands and premises, with their and every of their appurtenances, shall from and after the passing of this Act be held and enjoyed by the said Corporation for a perfect, absolute, and indefeasible estate of inheritance in fee-simple therein, and in every part and parcel thereof, without any manner of trust, reservation, limitation, easement, proviso, or condition, or any other matter or thing to alter, charge, change, encumber, defeat, or affect the same, or any part or parcel thereof, and no person or persons shall, as against the said Corporation or their assigns, have any right, title, or interest in, to, over, or in respect of the said lands, or any part thereof, or to any easement in, over, or in respect of the said lands, or any part or parcel thereof, whether by prescription, usage or custom, or otherwise howsoever. [48 Vict., c. 26, s. 1.]

With power to sell the same, and for that purpose to make by-laws, etc.

2. It shall be lawful for the Corporation of the City of New Westminster to sell and convey all or any part of the said public squares or reserves and public lands granted as aforesaid; and the Council

of the said Corporation may pass by-laws from time to time to determine what parts of the said property shall be sold, for what price, upon what terms, and may alter or repeal any such by-law; and any conveyance which may be made in pursuance of any such by-law shall vest in the person or persons named in any such conveyance the estate therein mentioned, according to the terms thereof: Provided that no sale shall take place under and by virtue of this Act, except by public auction, after giving notice of same for at least fifteen days prior to said sale in one or more newspapers published in the said city.

All sales to be by public auction.

3. Every such by-law as aforesaid shall, before the final passing thereof, receive the assent of the electors of the municipality of the said city in the manner provided in section 74 of the "Municipality Act, 1881," but no person shall vote upon any such by-law excepting those qualified under section 22 of the said Act.

By-laws to receive assent of the electors of the municipality.

4. This Act may be cited as the "New Westminster City Lands Act, 1884."

Short title.

New Westminster and Burrard Inlet Telephone Company	18th February, 1884.
Woollen Goods Manufacture	18th February, 1884.

CHAPTER 29.

An Act to amend the "New Westminster City Lands Act, 1884."

[9th March, 1885.]

WHEREAS a petition has been presented by the Corporation of the City of New Westminster, setting forth that the lands intended to be granted to the said Corporation by the "New Westminster City Lands Act, 1884," are therein erroneously described, and that doubts have arisen whether the said Act is effectual to vest the said lands in the said Corporation in the manner contemplated by the said Act:

Preamble.

And whereas the said petition also sets forth that in pursuance of the said Act a by-law intituled "A By-law to provide for and Regulate the Sale of certain Lands" was passed by the said Cor-

poration, having first duly received the assent of the electors of the municipality of the said city, as provided by the said Act, for the purpose of authorizing the sale of the lands in the said by-law mentioned as therein provided :

And whereas the said Corporation in the said petition prays that an Act may be passed to remove the said doubts and to confirm the said by-law; and it is expedient to grant the prayer of the said petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

Amends s. 1 of the
"New Westminster
City Lands Act,
1884."

1. Section 1 of the "New Westminster City Lands Act, 1884," is hereby amended by striking out the words "coloured red" in the eleventh line of the said section, and substituting therefor the words "so named or described"; and by striking out the words "deposited in the Land Registry Office" in the last line of the said section, and by adding to the said section as so amended the words: [*See the Act 47 Vict., c. 26, 1884, ante.*]

A certain by-law of
the New Westmin-
ster City Municipal-
ity declared valid.

2. The by-law of the Municipality of the Corporation of the City of New Westminster as hereby amended and set forth in Schedule One to this Act is hereby confirmed and declared to be, from and after the passing of this Act, good, valid, legal, binding, and effectual to all intents and for all purposes, any law, usage, or custom to the contrary notwithstanding, and shall form part of this Act.

Removes doubts as
to the right of the
said municipality
to amend the said
by-law.

3. Nothing herein contained shall be construed to affect the power of the said Corporation to amend, change, or alter the said by-law from time to time, as may be deemed expedient, by any by-law or by-laws to be duly made thereafter, subject to the assent of the electors being first had and therefor as provided by section 3 of the Act hereby amended.

Short title.

4. This Act may be cited as the "New Westminster City Lands Act (1884) Amendment Act, 1885."

SCHEDULE ONE.

BY-LAW TO PROVIDE FOR AND REGULATE THE SALE OF CERTAIN LANDS.

Whereas by an Act of the Legislature of the Province of British Columbia, passed in the forty-seventh year of the reign of Her Majesty Queen Victoria, intituled "The New Westminster City Lands Act, 1884," the lands hereinafter mentioned were granted to the Corporation of the City of New Westminster, that is to say :—

The two reserves between Queen's Avenue and Royal Avenue, intersected by Simcoe Street; the two reserves bounded by Queen's Avenue, Royal Avenue, Clinton Place, Bonson Street, and the Park, St. Andrew's

Square, St. George's Square, St. Patrick's Square, Louisa Gardens, Alice Gardens, Victoria Gardens, Government Office Gardens, Sailors' Home, Merchant Square, Lytton Square, Pleasure Grounds, fifteen in all, and so named and described on the official map of the City of New Westminster:

And whereas it was by the same Act provided that it should be lawful for the said Corporation to sell and convey all or any part of the said lands, and for the Council of the said Corporation to pass by-laws from time to time to determine what parts of the said lands should be sold, for what price, and upon what terms; provided that no sale should be had except by public auction, after notice thereof should have been given for at least fifteen days prior to such sale in one or more newspapers published in the said city; and that every such by-law should, before the final passing thereof, receive the assent of the electors of the municipality of the said city, as provided in section 74 of the "Municipality Act, 1881," and that no person should vote upon any such by-law excepting those qualified under section 22 of the said Act:

And whereas it is deemed expedient by the said Council that a by-law should be passed to provide for and regulate the sale of the said lands as hereinafter mentioned:

Therefore, the Mayor and Council of the Corporation of the City of New Westminster, enact as follows:—

1. The said lands shall be sold in the manner and subject to the terms and conditions herein set forth.

2. The said lands shall be sold according to certain maps or plans thereof made by Woods and Turner, land surveyors, bearing date the twenty-fifth day of June, 1884, and the twenty-eighth day of January, 1885, respectively, and deposited, or left for deposit, in the Land Registry Office at New Westminster.

3. The said Mayor and Council, subject always to the terms of the said Act and of this by-law, may from time to time pass resolutions to determine at what time or times, at what place or places within the said city, and by what auctioneer or auctioneers the sale or sales of the said lands shall be had, and in what newspaper or newspapers notice thereof shall be published, and otherwise to provide for carrying the provisions of this by-law into effect, and may alter or repeal any such resolution.

4. The said lands shall be sold subject to the reserved bid or value in respect of each lot mentioned in the Schedule hereunto annexed, and each lot shall be sold separately.

5. The highest bidder shall be the purchaser, if his or her bid shall exceed the said reserved bid or value; and if any dispute arise as to the last or highest bidder, the lot shall immediately be put up again at the former bidding, and no person shall advance less than five dollars at a bidding, and no bidding shall be retracted.

6. The purchaser shall pay, immediately upon becoming such purchaser, a deposit of thirty-three and one-third per cent. of the purchase-money and sign an agreement for the payment of the remainder as follows: Thirty-three and one-third per cent. in three months, and the balance of the purchase-money in six months from the date of sale, and thereupon shall be entitled to possession of the land so purchased; and all purchase-moneys shall be paid into the Bank of British Columbia, at New Westminster, to the credit of a special account of the city, to be called the "Land Sale Account."

7. The purchaser shall be entitled to a conveyance upon payment of all the purchase-money; and the said agreement and conveyance shall be furnished by the Clerk of the said Corporation, free of charge, according to the Forms 1 and 2 in Schedule B to this by-law annexed; and any number of lots may, at the request of the purchaser or purchasers, be included in one agreement or conveyance.

8. Time shall be of the essence of the contract as regards the payment of the purchase-money, and if the same shall not be paid at the time agreed upon as aforesaid, the said agreement shall forthwith, after the expiration of the said time, become void, without notice to the purchaser, who shall immediately yield up possession of the lands to the said Corporation, and all moneys paid on account of the purchase-money shall be forfeited to the said Corporation.

9. The said lands being granted to the said Corporation by the said Act, the purchaser shall not be entitled to any evidences of the title of said Corporation thereto.

10. In case of default in the payment of the purchase-money of any lot, the deficiency which may arise upon any subsequent sale of the said lands, together with all costs and charges attending the same or occasioned by the default, shall be made good by the defaulter.

11. The proceeds of the sale of any part of the said lands shall be applied to the following purposes only: Firstly, the sum of seventy-five thousand dollars, or such less sum as may be found sufficient therefor, shall be given as a bonus to aid in the construction of a railway to connect the City of New Westminster with the main line of the Canadian Pacific Railway, to any such person or persons, corporation or corporations, as may be found willing and may be able to undertake the construction and maintenance of such railway upon such terms and conditions as the Council may by resolution approve; but no such person or corporation shall be entitled to receive any part of such bonus without having first duly entered into a good and sufficient bond or agreement, to the satisfaction of the said Council, for the construction and maintenance of the said railway as aforesaid. Secondly, the surplus (if any) shall be applied in the construction and maintenance of an efficient system of waterworks and of drainage and sewerage works in the City of New Westminster, and in the construction of a suitable City Hall, including the acquisition of a site therefor, if necessary, in such manner as may be determined by any by-law or by-laws to be lawfully made by the Corporation of the City of New Westminster.

12. In case the whole of the said lands shall not be sold at any time which may be fixed by any such resolution as aforesaid, the sale of such part of the said lands as may remain unsold shall be held at such time and place as may theretofore have been fixed or may thereafter be fixed by any such resolution as aforesaid, subject to the like provisions as aforesaid as to notice of any such sale and otherwise.

13. This by-law shall come into force and have effect on and after the twentieth day of August, 1884, and may be cited as the "Lands Sale By-law, 1884."

By-law read the first time the twenty-first day of July, 1884.

By-law read the second time the twenty-first day of July, 1884.

By-law read the third time and finally passed the eighth day of August, 1884.

By-law reconsidered and adopted and the seal of the Corporation appended hereto, this eleventh day of August, A.D. 1884.

(Signed.) R. DICKINSON,
Mayor.

[Ls.]

A. J. ALPORT,
C.M.C.

SCHEDULE A.

LANDS REFERRED TO IN ACCOMPANYING BY-LAW.

Subdivision of Government Office Gardens—Block A.—Lots 1 and 2, upset price \$750 each; Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, upset price \$500 each; Lots 21 and 22, upset price \$750 each.

Subdivision of Victoria Gardens—Block B.—Lots 1, 2, and 3, upset price \$750 each; Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, upset price \$500 each; Lots 26, 27, 28, 29, upset price \$750 each; Lots 30, 31, 32, 33, 34, 35, 36, 37, 38, upset price \$500 each.

Subdivision of Louisa Gardens—Block C.—Lots 1, 2, 3, 4, 5, 6, upset price \$300 each.

Subdivision of St. Patrick's Square—Block D.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, upset price \$100 each.

Subdivision of Alice Gardens—Block E.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, upset price \$300 each.

Reserves—Block F.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, upset price \$300 each; 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, upset price \$200 each.

Subdivision of Merchants' Square—Block G.—Lots 1 and 7, upset price \$4,000 each; Lots 6 and 12, upset price \$1,100 each; Lots 2, 3, 4, 5, 8, 9, 10, and 11, upset price \$500 each.

Subdivision of St. George's Square—Block H.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, upset price \$300 each; Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, upset price \$250 each.

Subdivision of Lytton Square—Block J.—Lots 1 and 2, upset price \$2,000 each.

Subdivision of St. Andrew's Square—Block K.—Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, upset price \$100 each.

Sailors' Home—Block L.—Lot 1, upset price \$300; Lot 2, upset price \$250.

Pleasure Grounds—Block M.—Lots (number unknown), upset price \$300 each.

SCHEDULE B.

No. 1.

AGREEMENT.

ARTICLES OF AGREEMENT, made in duplicate this day of ,
one thousand eight hundred and eighty ,

Between,

THE CORPORATION OF THE CITY OF NEW WESTMINSTER (hereinafter called
"the Corporation") of the first part;

and

of (hereinafter called "the purchaser") of the second part.

Witness that whereas the purchaser hath agreed to purchase from the Corporation that certain parcel of land situate in the City of New Westminster, being composed of Lot Number in Block , being part of shown on the official map of the said city, according to a plan and subdivision thereof made by Woods and Turner, land surveyors, dated the day of , one thousand eight hundred and eighty , and duly

registered, for the price or sum of dollars, payable one-third at or before the execution of these presents, one-third thereof at the end of three months from the date hereof, and the remainder, being one-third thereof, at the end of six months from the date hereof; and the Corporation hath agreed to sell the said premises to the purchaser upon the said terms:

Now, these presents witness that for the said consideration the purchaser, for himself, his heirs, executors, and administrators, hereby covenants and agrees with the Corporation, its successors and assigns, to pay the said purchase-money at the times and in the manner hereinbefore set forth, and the Corporation agrees to convey the aforesaid premises to the purchaser according to the terms and conditions of the by-law of the Corporation, intituled "The Lands Sale By-law, 1884," upon payment of the said purchase-moneys.

It is declared and agreed between the Corporation and the purchaser that time shall be of the essence of this agreement, and that in case any part of the said purchase-moneys shall not be paid at the times and in the manner aforesaid, these presents shall forthwith become void without notice to the purchaser, and the Corporation shall be entitled to all moneys paid on account of the purchase-money, and in all other respects the terms and conditions of the said by-law, so far as the same relates to the conditions of sale of the lands therein mentioned, shall be construed to be incorporated with and shall form part of these presents.

In witness whereof the said Corporation of the City of New Westminster hath caused its corporate seal to be hereunto affixed, and the purchaser hath hereunto set his hand and seal.

By order of the Corporation of the City of New Westminster.

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No. 2.

CONVEYANCE.

THIS INDENTURE, made the day of , in the year of our
Lord one thousand eight hundred and eighty ,

Between,

THE CORPORATION OF THE CITY OF NEW WESTMINSTER (hereinafter called
"the Corporation") of the first part;

and

of (hereinafter called "the purchaser") of the second part.

Witnesseth that, in consideration of the sum of dollars of lawful money of Canada heretofore paid by the purchaser to the Corporation, the receipt whereof is hereby acknowledged, the Corporation hereby grants and assigns unto the purchaser all that parcel of land situate in the said City of New Westminster, being composed of Lot Number in Block , being part of shown on the official map of the said city, according to a plan and subdivision thereof made by Woods and Turner, land surveyors, dated day of , one thousand eight hundred and eighty , and duly registered, together with the appurtenances thereto belonging or in anywise appertaining, and all the right, title, interest, claim, and demand of the Corporation in, to, and upon the said premises; to have and to hold the said premises unto and to the use of the purchaser, his heirs and assigns, for ever.

In witness whereof the Corporation of the City of New Westminster hath caused its corporate seal to be hereunto affixed.

By order of the Corporation of the City of New Westminster.

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CHAPTER 30.

An Act to incorporate the Esquimalt Waterworks Company, 1885.

[9th March, 1885.]

WHEREAS a petition has been presented by Theodore Lubbe, of Preamble.
the City of Victoria, British Columbia, merchant; William P. Sayward, of the same place, lumber manufacturer; Edgar Crow Baker, of the same place, M.P.; Joshua Davies, of the same place, auctioneer; and Walter S. Chambers, of the same place, accountant, for an Act to empower them to construct, manage, and maintain waterworks to supply the Town of Esquimalt, the Royal Naval Dockyard, the Royal Naval Hospital, and the residents of the peninsula bounded by Victoria Arm and Harbour, the Straits of Fuca, and Esquimalt Harbour; and for the purpose thereof to take water from Thetis Lake, Deadman's River, and their tributaries, and to build flumes, aqueducts, lay pipes, erect dams, acquire lands, and do all other acts and things necessary for the purpose aforesaid:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Theodore Lubbe, William P. Sayward, Joshua Davies, Edgar Incorporation.
Crow Baker, and Walter S. Chambers, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of "The Esquimalt Water Works Company," and hereinafter called "the Company."

2. The capital stock of the Company shall be one hundred and Capital stock.
fifty thousand dollars, with power to increase to two hundred and fifty thousand dollars, divided into fifteen hundred shares of one hundred dollars each, which shall be applied, first, to the payment of all costs and expenses in obtaining the passage of this Act, and the remainder for the purpose of the Company's undertaking.

3. The persons named in the first section of this Act shall be and Provisional directors.
are hereby constituted provisional directors of the Company, of whom three shall form a quorum for the transaction of business, and they shall hold office until the first election of directors under this Act, and shall have power to open stock-books and procure subscriptions of stock for the undertaking.

- Head office. 4. The office of the Company shall be at the City of Victoria, or at a place within the District of Esquimalt, as the Company may elect.
- First general meeting. 5. The first general meeting of the shareholders shall be held, upon two weeks' notice being given, at such time as the directors shall specify therein.
- Annual meeting. 6. The subsequent annual general meeting of shareholders shall be held as may be determined by the by-laws of the Company.
- Power to borrow money. 7. The Company shall be entitled to borrow money on mortgage or bond.
- Power to construct and maintain water-works. 8. The Company and their servants may and shall have full power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct waterworks, and all buildings, materials, machinery, and appliances therewith connected, in the Town of Esquimalt and the peninsula adjacent thereto, bounded by the Victoria Arm and Harbour, the Straits of Fuca and Esquimalt Harbour, and other parts as hereinafter provided.
- Power to enter on lands. 9. It shall be lawful for the Company, their servants, agents, and workmen, from time to time and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the land of any person or persons, bodies politic or corporate, in the Town of Esquimalt, or within ten miles of the said town, and for the purposes of the said waterworks, and to divert and appropriate the waters of Thetis Lake and Deadman's River and its tributaries, as they shall judge suitable and proper, and to contract with the owners and occupiers of the said lands, and those having an interest or right in the said waters, for the purchase of the same respectively, or of any part thereof, or of any privilege that may be required for the purposes of the Company, and for the right to take all or any timber, stone, gravel, sand, and other materials from the aforesaid land, or any lands adjacent thereto, for the use and construction of the said works; and in case of disagreement between the Company and the owners and occupier of the said lands, or any person having an interest in the said waters or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damage arising through the construction of any dam, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of
- Appropriate streams, etc. Purchase-money or damage to be ascertained by arbitration. Arbitrators, how appointed.

such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any such owner or occupant shall be an infant, married woman, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, to nominate and appoint three different persons as arbitrators.

The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final.

Arbitration
proceedings.

And the said arbitrators shall be and they are hereby required to attend at some convenient place, at or in the vicinity of the said Town of Esquimalt, to be appointed by the Company, after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace for British Columbia (any of whom may be required to attend the said meeting for that purpose), well and truly to assess the value or damages between the parties to the best of his judgment:

Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three months from the date of the award or determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

10. The lands, privileges, and waters which shall be ascertained, set out, or appropriated by the Company for the purposes thereof as aforesaid shall thereupon and for ever after be vested in the Company, and it shall be lawful for the Company to construct, erect, and maintain in and upon said lands all such reservoirs, waterworks, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon, and through any of the grounds and lands lying intermediate between the said reservoirs and waterworks, and the springs, streams, rivers, bodies of waters or lakes from which the same are supplied, and the Town of Esqui-

Lands, etc., appropriated to be vested in the Company.

Power to convey and distribute water.

Enter on lands.

malt and said peninsula as aforesaid, by one or more lines of pipes, as may from time to time be found necessary; and for better effecting the purposes aforesaid, the Company and their servants are hereby empowered to enter and pass upon and over the said grounds or lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under and through the highways and roads in Highland and Esquimalt Districts, or any of them, and in, through, over, and under the public ways, streets, lanes, or other passages of the said Town of Esquimalt, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate, politic, or collegiate, whatsoever; and to set out, ascertain, use, and occupy such part or parts thereof as they, the Company, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water-supply, or for taking up, removing, or altering the same, and for distributing water to the inhabitants of the Town of Esquimalt and the said peninsula, or of the proprietors or occupiers of the land through or near which the same shall pass; and for this purpose to sink and lay down pipes, make reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the Company shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of dispute, by arbitrators as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the Company.

Lay pipes, etc.

Works to be vested in the Company.

Penalty for injury to the waterworks property.

11. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the Company or any of their managers, contractors, servants, agents, or workmen in the exercise of any of the powers and authorities in this Act authorized and contained, or if any person shall wilfully and maliciously let off or discharge any water, so that the same shall run waste and useless out of the said works, or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or waterworks, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any Justice of the Peace having jurisdiction within the locality where the offence shall or may be committed, forfeit and pay for every such offence a sum not exceeding five hundred dollars, together with the costs of conviction; one-half to be applied to the use of the Company, and the other half

to him or her who shall lay the information; and such Justice may, in default of payment, condemn such person to be confined in the common gaol of the City of Victoria for a space of time not exceeding twelve calendar months, as to such Justice may seem meet; and such person or persons so offending shall be liable to an action at law at the suit of the Company to make good any damage done by him, her, or them.

12. The Company shall regulate the distribution and use of the water on all places and for all purposes, and shall from time to time fix the rent or price which any owner or occupant of any house or building who shall use such water shall pay for the use thereof; but in no case shall the said Company fix a greater rent than sixty cents a thousand gallons for water, or one dollar a month, from the owner or occupants of any house or building wherein the number of persons does not exceed four, and thirty cents a month per capita for each and every additional occupant; and the Company shall have the power of electing whether they shall charge parties using water from their works by the gallon or per capita as aforesaid, or one dollar a month as aforesaid.

Regulation of the distribution and use of water.

Rates to be charged.

13. If any person or persons shall lay, or caused to be laid, any pipe or main to communicate with any pipe or main of the said water-works, or in any way obtain or use any water thereof, without the consent of the Company or their manager, he or they shall forfeit and pay to the Company the sum of ten dollars, and also the further sum of two dollars and fifty cents for each day such pipe or main shall so remain, which said sum, together with costs of suit in that behalf, may be recovered by civil action in any Court of law in the Province of British Columbia having civil jurisdiction to that amount.

Penalty for connecting pipes with the Company's mains, etc.

14. If any person shall bathe, or wash, or cleanse any wool, cloth, leather, skins, or animals, or place any nuisance or offensive thing within or near the source of supply for such waterworks, in any lake, river, pond, source, or fountain from which the water of the said waterworks is obtained, or shall convey or cast, cause, throw, or put any filth, dirt, dead carcasses, or other noisome or offensive thing therein, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding two hundred and fifty dollars, together with costs; one-half to be paid to the Company as damages, and the other half to him or her who shall lay the information; and such Justice may, on default of payment,

Penalty for fouling water.

condemn such person to be confined in the common gaol at Victoria for a space not exceeding one calendar month, with or without hard labour.

Penalty for waste
or improper use
of water.

15. If any person, being occupant, tenant, or inmate of any house, or otherwise supplied with water from the said waterworks by the Company, sells or disposes of the water thereof, or gives it away, or permits it to be taken or carried away, or uses it or applies it to the benefit of others, or to any other than his or her own use or benefit, or wrongfully neglects or improperly wastes the water, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty-five dollars, together with costs; one-half to be applied to him or her who shall lay the information, and the other moiety to form part of the assets of the Company, as compensation for any damages done; and such Justice may, in default of payment, condemn such person to be confined in the common gaol in Victoria for a space not exceeding one calendar month, with or without hard labour.

Laying pipes across
vacant spaces.

16. In all places where a vacant space intervenes between a line of the street and the wall of the building into which the water is to be taken, the Company is empowered to lay the service-pipe across such vacant space, such charge to be payable with the first water rates, and to be collected in the same manner from the said owners.

Service-pipes, taps,
etc., to be under the
control of the Com-
pany.

17. The service-pipe from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the Company, shall be under the control of the Company; and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the Company may repair the same and charge the same to the occupant or owner of the premises; the stop-cock placed by the Company inside of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of the premises.

Taps.

18. All parties supplied with water by the Company may be required to place only such taps for the drawing and the shutting-off the water as may be approved of by the Company.

Non-liability for
damage by water.

19. The Company shall not be liable for damage caused by the breaking of any service-pipes or attachment, or for any shutting-off of the water for the purpose of repairing, maintaining, or clearing the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

20. The servants of the Company shall have free access, at proper hours of the day and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed. Right of access.

21. If any person or persons, not being in the employment of the Company, and not being a member of any duly constituted fire brigade in the Town or District of Esquimalt and duly authorized on that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber, or hydrant chamber, by placing on it any building material, rubbish, or otherwise, or take or appropriate to his own use any water from any public or private tap, any such person shall, on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding fifty dollars, or on default of payment be imprisoned in the gaol at Victoria for a term not exceeding thirty days; and each time the said hydrants are interfered with, and each day such obstructions shall continue, shall be considered a separate offence. Penalty for interfering with hydrants, etc.

22. If any suit or action be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising. Limitation as to time for bringing actions against the Company.

23. The said waterworks shall be constructed, completed, and finished to the Town of Esquimalt, the Royal Naval Dockyard, and the Royal Naval Hospital, except as to the laying of additional pipes and mains, within three years from the passing of this Act. Time limit for commencement and completion of the works

24. In order to prevent the waste of water and settle disputes arising therefrom as to the quantity consumed, the Company are empowered to place water-meters upon any service-pipe or connection within or without any house or building where water is used, as they may deem expedient, and for this purpose, and for the purpose of protecting or of regulating the use of any such meter, to set or alter the position of same, or of any pipe, connection, or tap, and to fix the price to be paid for the use of any such meter, and the times when and the manner in which the same shall be payable, and also to charge for and recover the expense of such alterations, may be collected in the same manner as water rates (and shall be a lien on the real estate to the same extent), and neither the meter nor any fittings thereunto belonging shall be subject to or liable for rent by the possessor or owner of any premises wherein the same may be. Use of water-meters.

25. Any person who shall wilfully alter any meter, placed as in the last section mentioned, so as to lessen or alter the amount of Charges for the same.

Penalty for tampering with water-meters.

water registered thereby, or so as to cause the quantity registered or used to be falsely indicated, shall incur a penalty of not less than five dollars nor more than one hundred dollars, to be recovered with full costs on summary conviction before any Justice of the Peace having jurisdiction in the locality in which the said offence is committed; and in case such penalty and costs are not paid forthwith, such Justice of the Peace may commit the offender to the common gaol at Victoria for a period not exceeding thirty days, unless the said penalty and costs are sooner paid.

Power to make rules for general management.

26. The Company shall have power from time to time to make rules and regulations for the general maintenance or management, and for the collection of the water rent, and for fixing the time and times when and the places where the same shall be payable, and in case of default in payment to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or both.

Certain sections of the "Land Clauses Consolidation Act, 1845," to apply.

27. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply, but the following sections of the "Land Clauses Consolidation Act, 1845," shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or are repugnant thereto: Sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79; but in section 69, in lieu of the word "bank" and the next following words, there shall be read "the Treasury of British Columbia to the account of the Registrar of the Supreme Court of British Columbia"; and in section 70 and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read "the Supreme Court of British Columbia"; and in sections 71, 73, and 76, in lieu of the word "bank," there shall be read "the Treasury of British Columbia to the account of the Registrar of the Supreme Court of British Columbia."

Table A to the "Companies Act, 1862," to apply.

28. The several clauses in Table A in the First Schedule of the Act of the Imperial Parliament, passed in the session of Parliament holden in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, chapter 89, entitled "The Companies Act, 1862," which are not varied or inconsistent with the provisions of this Act, and are applicable to the Company, shall be read with and form part of this Act.

The Company may alter, etc., any of the regulations contained in said Table A.

29. Subject to the provisions of this Act, the Company may, in general meeting, from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the said Table A, or make new

regulations to the exclusion of or in addition to all or any of the regulations of the Company; and any regulations so made by special resolution shall be deemed to be regulations of the Company of the same validity as if they had been originally contained in the said table, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

30. A resolution passed by the Company shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting, of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which such resolution was passed. At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notices of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

Special resolutions,
how passed.

Notice of meeting
to be given.

In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Counting votes.

In default of any regulations as to voting, every member shall have one vote; and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the said Table A; and in default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same; and in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Votes and voters.

Notice of meetings.

A copy of any special resolution that is passed by the Company under this Act shall be printed and forwarded to the Registrar of Joint-stock Companies, and be recorded by him.

Copy resolution to
be sent Registrar of
Joint-stock Com-
panies.

If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur

Penalty for default.

a penalty not exceeding ten dollars for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded; and every director and manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Service of documents upon the Company. Any summons, notice, order, or other document required to be served upon the Company may be served by leaving the same or sending it through the post in a prepaid letter addressed to the Company at their registered office.

Service by post.

Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof; and in proving service of such document, it shall be sufficient to prove that such document was properly directed, and that it was put as a prepaid letter into the post-office.

Authentication of documents by the Company.

Any summons, notice, order, or proceeding requiring authentication by the Company may be signed by any director, secretary, or other authorized officer of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing or partly in print.

Exemption from taxation for three years.

31. The waterworks to be constructed as aforesaid, and the lands, buildings, machinery, reservoirs, pipes, and all other property connected with or appertaining or belonging to the same, shall be exempt from Provincial taxation for three years from the passing of this Act.

No Chinese to be employed.

32. It shall not be lawful for the Company or its contractors to employ any Chinese in or about the laying of the pipes of the said waterworks or the maintenance thereof.

Short title.

33. This Act may be cited for all purposes as the "Esquimalt Waterworks Act, 1885."

CHAPTER 31.

An Act to incorporate the Nanaimo Waterworks Company, Limited.

[9th March, 1885.]

[Amended, 1886.]

Preamble.

WHEREAS Robert O'Brian, William C. Halleck, Edwin Pimbury, Elijah Priest, and Josiah Walter Stirtan, all of Nanaimo, have by their petition represented that they are desirous of being incorporated as a joint-stock company under the name of "The Nanaimo Waterworks Company, Limited," and having prayed that

there may be granted to them the right to take water from the Nanaimo River at or near a point known as Starke's Falls, and to construct and maintain waterworks and lay a line of pipes from said river to the City of Nanaimo and in and throughout the said city:

And whereas it is desirable to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The said Robert O'Brian, William C. Halleck, Edwin Pimbury, Incorporation. Elijah Priest, and Josiah Walter Stirtan, and such other persons as shall hereafter become shareholders of the said Company, are hereby constituted a body corporate and politic under the name of "The Nanaimo Waterworks Company, Limited."

2. The capital of the Company shall be fifty thousand dollars, Capital stock. with power to increase the sum to one hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shares shall be held to be personal estate, and shall be assignable in such manner and form as may from time to time be prescribed by the by-laws of the Company.

3. The said Robert O'Brian, William C. Halleck, Edwin Pimbury, Provisional directors. Elijah Priest, and Josiah Walter Stirtan shall be directors of the said Company until a choice of directors by election of the shareholders shall take place in the manner hereinafter prescribed; and Their powers. the said directors and their successors, or any three of them, shall have power to open books for the subscription of shares, receiving subscriptions to the stock of the Company, and allotting shares to the several subscribers; and no person shall be hereafter qualified Qualification. to be a director who does not hold in his own right five shares of the capital stock of the Company.

4. An annual meeting of the shareholders of the Company for the Annual meeting. transaction of general business, and the election of directors from among the shareholders for the management of the affairs of the Company, shall be held at such time and place in the City of Nanaimo, and under such regulations, with regard to notice, as may be determined by the by-laws of the Company.

5. The first meeting of the said Company shall be held within First general meeting of shareholders. six months after the passing of this Act, at such time and place as the directors may appoint, at which meeting the directors shall be elected; and the number of said directors shall not be more than five or less than three; and the directors shall elect from among themselves a chairman, who shall preside at all meetings, and who shall be entitled to vote on all questions submitted to any meeting at

which he is chairman. Subsequent annual meetings and special general meetings of shareholders shall be held after sixty days' previous notice shall be given to each shareholder by the secretary of the Company by prepaid registered letter addressed to the registered address of such shareholder, unless and until otherwise regulated by the by-laws thereof, and all or any of the directors may be removed at any meeting of the shareholders called for the purpose, or for that purpose together with any other object or business.

Votes of shareholders.

6. Each shareholder shall have one vote for every share up to ten, and an additional vote for every five shares beyond the first ten shares, at all meetings of the Company; and such vote may be given either personally or by proxy, such proxy being also a shareholder and having a written authority; and all questions shall be determined by the majority of votes given in respect thereof.

Calls on stock.

7. The directors may make such calls upon the shareholders in respect to the shares subscribed or held by them respectively as they may from time to time deem expedient, and may impose penalties for failure of payment not exceeding one per cent. per month at any one time upon the amount of the call or calls made, and likewise, subject to such rules and conditions as may be imposed by by-law, also may declare forfeited all such shares as may be in arrear in respect of any such call or calls and penalty, and such shares shall,

Forfeiture of shares.

upon such declaration, be and become forfeited in favour of the Company, as well as the amounts paid thereon, and shall thereupon be sold and disposed of in such manner as the directors may see fit, and the net proceeds applied in reduction of the claims of the Company against the shareholders in default; or the directors may in their discretion, should they see fit, proceed by suit or action for the recovery of any sum or sums due for a call or calls on such shares, with or without interest and penalties, or either, as the case may be, and may afterwards, if not recovered in full, proceed by forfeiture as above directed, without prejudice to their recourse by suit in any case, until the shares have been paid for in full.

Actions for calls.

Proceedings in actions for calls.

8. In any action or proceeding which may be brought by the Company against any shareholder for the recovery of any sum due on any call or calls, or for interest or penalties thereon, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more in the capital stock of the Company, and is indebted in the sum to which the arrear or call or calls made on the share or shares amount (together with interest and penalties, if any), and it shall only be necessary to prove that the defendant was proprietor of a share or shares, and that a call or calls had been made thereon.

9. The directors may make by-laws and may from time to time alter, repeal, amend, or wholly substitute others for the government of the Company, its affairs, business, managers, officers, and servants, which by-laws shall be subject to the approval or disallowance by the shareholders, and shall not be in force until approved of either at the annual or any special general meeting of the shareholders, and may, among other things, besides comprehending all matters hereinbefore referred to as the subject of by-laws, be made, subject to the general provisions of this Act, for the following objects and purposes, and the same shall be accessible at reasonable hours to all persons interested therein:—

- (1.) To fix and determine the number of directors; the manner of filling up vacancies that may occur between any annual election; how many directors shall constitute a quorum, and generally the manner in which their power shall be exercised, including the appointment and control of agents and officers generally: Directors may make by-laws.
- (2.) The manner of calling meetings as well of the directors as of the shareholders, and fixing the time for annual meetings: To fix number of directors, fill vacancies, etc.
- (3.) The forfeiture of shares in arrear in respect of a call or calls, and the conditions and manner in which such forfeiture shall be declared: Calling meetings.
- (4.) The keeping of register and transfer books for shares, prescribing the manner in which transfers shall be made, and the conditions in respect to previous payments of calls or unpaid balance of the stock of which transfers shall be allowed; also the vouchers and evidence required to be lodged with the Company in case of transmission of shares by marriage, bequest, inheritance, insolvency, or otherwise than by sale, and the forfeiture of shares for non-payment of anything due thereon or in respect thereof: Forfeiture of shares.
- (5.) The keeping of minutes of proceedings and the accounts of the Company, and rectifying any error which may be therein; the auditing of accounts and the appointment of auditors: Keeping of register and transfer books.
- (6.) The declaration and payment of dividends out of the profits of the said Company: Records of the proceedings of the Company.
- (7.) The remuneration of directors: Dividends.
- (8.) The borrowing or advancing of money for promoting the purposes of the Company, and the securities to be given by or to the Company for the same: Directors' remuneration.
- (9.) The times and manners of proposing and voting for increasing the capital stock of the Company, the mode of taking subscriptions and allotting shares for such increase, and making calls thereon, and collecting the same: Borrowing money.

Increasing capital stock.

- Distribution of water. (10.) For regulating the distribution and use of water, and the rates to be charged therefor:
- General management. (11.) Generally the transaction and management of the affairs and business of the Company, and the carrying into effect all the powers and duties conferred or imposed on the Company, its shareholders and directors, by this Act:
- Winding-up. (12.) The winding-up of the Company.
- Power to borrow money. **10.** The Company are authorized at any time to borrow money to the amount and extent of seventy-five per cent. of their capital, upon mortgage, bond, or debentures.
- 11.** [*Repealed, 1886, c. 34.*]
- Power to become party to notes, deeds, etc. **12.** For the purposes of its objects, the Company may become a party to promissory notes, bills of exchange, cheques, agreements, deeds, mortgages, and pledges.
- Directors not to be disqualified by receiving remuneration from the Company. **13.** No director shall be disqualified from holding office by reason or on account of his being concerned, directly or indirectly, as partner in any other company or association, in any contract with the Company, or on account of his receiving any pay or remuneration for attending to the affairs of the Company as managing director or agent or solicitor for the Company.
- "Companies Ordinance, 1869," not to apply. **14.** The "Companies Ordinance, 1869," shall not apply to this Company.
- Limited liability of shareholders. **15.** No shareholder of the Company shall in any manner be liable to or charged with the payment of any debt or demand due by the Company beyond the amount of his or her subscribed share or shares in the capital stock of the Company.
- Failure to elect directors or hold annual meeting not to operate as a dissolution. **16.** No failure to elect directors or to hold the first or any annual meeting shall operate as a dissolution of the Company, but anything omitted to be done may be afterwards performed at a meeting called in conformity to the by-laws or at a meeting called specially for the purpose.
- Company may fix tariff of charges. **17.** The Company may by its by-laws fix from time to time a tariff of rates to be charged for water, but no greater charges shall be made than those set forth in the Schedule to this Act, and the Company shall have full power to collect, and sue for, and recover the charges to which they may be entitled, and in case of non-payment, to enforce the same by shutting off the water.
- Head office and office hours. **18.** The Company shall have its head office in the City of Nanaimo, and such office shall be kept open on each day of the week, Sundays and public holidays excepted, between the hours of ten a.m. and four p.m., or as may be provided for by the by-laws of the Company.

19. The Company shall have power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct waterworks, and all buildings, machinery, and appliances therewith connected or necessary thereto, in the City of Nanaimo and parts adjacent, as hereinafter provided.

Power to construct and maintain water-works.

20. The directors shall have power to employ and appoint engineers, surveyors, officers, servants, and other persons at such salaries and remuneration as may be agreed on.

Power to appoint engineers, servants, etc.

21. For the purposes of this Act, the Company may purchase, lease, rent, surrender, and sell such lands, works, buildings, and tenements as may be necessary.

Power to purchase and deal with lands.

22. It shall be lawful for the said Company, their agents, servants, and workmen, from time to time and at all such times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the lands of the Crown, or of any person or persons, bodies politic or corporate, in the City of Nanaimo, or lying

Entry on lands.

between the place or places where they shall take water from the Nanaimo River and the City of Nanaimo, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said waterworks, and also to divert and appropriate such of the waters of the said Nanaimo River as they shall consider necessary and proper, and to take such water from the said river at a point or place known as Starke's Falls, or at such other point or place on said river, within one mile above and one mile below said falls, as they shall judge suitable and desirable, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water or waters, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes of the said Company, and for the right to take all timber, stone, gravel, sand, and other materials from the same or adjacent lands for the use and construction of the said works; and in case of disagreement between the said Company and the owners or occupiers of the said lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damages arising through the construction of any dam or the laying of any pipe, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on the application of either party, appoint such arbitrator. [See 1886, c. 34, s. 2.]

Appropriation of streams, etc.

Purchase-money or damage to be ascertained by arbitration.

Arbitration
proceedings.

23. In case any such owner or occupier shall be an infant, married woman, insane, or absent from the Province, or shall refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him by petition in a summary manner for that purpose by the Company, to nominate and appoint three indifferent persons as arbitrators. The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final, and they are hereby required to attend at some convenient place, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested, and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said Province of British Columbia, or any part thereof, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the value or damages between the parties to the best of his judgment: Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the grounds as in ordinary cases of arbitration, in which case reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within six months from the date of the award or the determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Lands, etc., appropriated to be vested in the Company.

24. The lands, privileges, and waters which shall be ascertained, set out, or appropriated by the said Company for the purpose thereof as aforesaid shall, so long as the said Company use the same for the purposes of this Act, be vested in the said Company, and it shall be lawful for the said Company to construct, erect, and maintain in and upon said lands all such reservoirs, waterworks, and machinery requisite for the undertaking, and to convey the water thereto and therefrom in, upon, or through any of the grounds and lands lying intermediate between the said reservoirs and waterworks, and the stream, river, or body of water from which the same is procured, and the said City of Nanaimo, by one or more lines of pipes as may from time to time be found necessary; and for better effecting the purposes aforesaid, the said Company and their servants are hereby empowered to enter and pass upon and over said grounds or lands intermediate as aforesaid, and the same to cut or dig up if necessary, and to lay

Power to convey and distribute water.

Enter on lands.

down the said pipes through the same, and in, upon, over, under, and through the highways and roads in the Districts of Mountain, Nanaimo, Cranberry, and Douglas, and in, through, over, and under the public ways, streets, lanes, or other passages of the said City of Nanaimo (and in, upon, through, over, and under the lands and premises of the Crown, and of any person or persons, bodies corporate, politic, or collegiate, whatsoever); and to set out, ascertain, use, and occupy such part or parts thereof as they, the said Company, shall think necessary and proper for the making and maintaining of the said works, or for the opening of new streets required for the same, and for purchasing of any lands required for the protection of the said works, or for preserving the purity of the water, or for taking up, removing, altering, or repairing the same, and for distributing water to the inhabitants of the City of Nanaimo, or for the uses of the Company, or the proprietors or occupiers of the land through or near which the same may pass, and for any other purposes whatsoever; and for this purpose to sink and lay down pipes, make reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the said Company shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of dispute, by arbitration as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said Company.

Lay down pipes.

Works to be vested in the Company.

25. If any person shall wilfully or maliciously hinder, interrupt, or cause or procure to be hindered or interrupted, the said Company or their managers, contractors, servants, agents, or workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized or contained, or if any person shall wilfully and maliciously let off or discharge any water, so that the same shall run to waste, or if any person, being occupant, tenant, or inmate of any house, or otherwise supplied with water from the said waterworks by the Company, sells or disposes of the water thereof, or gives it away, or permits it to be taken or carried away, or uses it, or applies it to the benefit of others, or to any other than his or her own use and benefit, or wrongfully neglects or improperly wastes the water, or if any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said waterworks, or in any way obtain or use any water thereof, without the consent of the said Company, or if any person or persons, not being in the employment of the Company, and not being a member of any duly constituted fire brigade in the City of Nanaimo and duly authorized in that behalf, shall wilfully open or close any hydrant, or obstruct the free access to any hydrant, stop-cock, chamber, or

Penalties for injury to waterworks property, waste of water, stealing water, etc.

hydrant chamber, by placing on it any building material, rubbish, or otherwise, or if any person shall throw or deposit any injurious, noisome, or offensive matter into the said water or water-works, or upon the ice, or in any way foul the same, or commit any wilful damage or injury to the works, pipes, or water, or encourage the same to be done, every person offending in any of the cases aforesaid shall, on conviction thereof before any Justice of the Peace having jurisdiction within the locality where the offence shall or may be committed, forfeit and pay for every such offence a sum not exceeding twenty-five dollars, together with the costs of conviction; and such person or persons so offending shall be liable to an action at law at the suit of the Company to make good any damage done by him, her, or them.

Penalty for fouling
water.

26. If any person shall bathe, or wash, or cleanse any cloth, wool, leather, skin, or animal, or place any noisome or offensive thing within one mile above the point of diversion of water for such water-works, or in any flume or ditch conveying the same, or shall convey or cast, cause or throw, or put any filth, dirt, dead carcasses, or other noisome or offensive thing therein, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty-five dollars, together with costs.

Laying pipes over
vacant spaces.

27. In all cases where a vacant space intervenes between the outer line of the street and the wall of the building or other place into which the water is to be taken, the Company may, with the consent of the owner, lay the service-pipe across such vacant space, and charge the cost thereof to the owner of the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner from the said owner; or such owner may himself lay such service-pipes, provided the same is done to the satisfaction of the Company, or persons appointed by them in that behalf. The service-pipe from the main pipe to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the Company, or by the owner or occupant of the premises, shall be under the control of the Company, and if any damage be done to this portion of the service-pipe or its fittings, either by neglect or otherwise, the Company may repair the same and charge the same to the occupant or owner of the premises.

Service-pipes, stop-
cocks, etc., to be
under the control
of the Company.

Taps, etc.

Non-liability for
damage by water.

28. All parties supplied with water by the Company may be required to place and use only such taps as may be approved by the Company. The said Company shall not be liable for damage caused

by the breaking of any service-pipes or attachment, or for any shutting-off of the water for the purpose of repairing, maintaining, or cleaning the pipes.

29. It shall be lawful for the officers of the said Company and their servants, and every person authorized by them for that purpose, to have free access at all reasonable hours, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Right of access.

30. The construction of the said works shall be commenced within two years, and be completed within four years from the passing of this Act.

Time limit for commencement and completion of works.

31. The waterworks to be constructed as aforesaid, and the lands, buildings, machinery, reservoirs, pipes, and all other property connected with or appertaining or belonging to the same, shall be exempt from Provincial taxation for four years from the passage of this Act.

Exemption from taxation for four years.

32. The Municipal Council of the said City of Nanaimo and the said Company are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said waterworks for the laying of water-pipes in the streets and highways of the said city, the particular streets along which the same shall be laid, and also for the erection of hydrants for fire purposes.

Authorizes the Municipal Council of Nanaimo and the Company to enter into agreements relating to construction of said water-works.

33. The Municipal Council of the said City of Nanaimo is hereby authorized to pass any by-law or by-laws, and to amend, repeal, or enact the same, for the purpose of carrying into effect any such agreement or covenants, and containing all such necessary clauses, provisions, rules, and regulations for the conduct of all parties concerned, including the Company, and for the enjoining obedience thereto, and also for facilitating the laying of the Company's pipes.

And may pass, etc., by-laws for carrying such agreements into effect.

34. The Company shall, at the request and cost of the Corporation of the City of Nanaimo, erect such number of hydrants for fire purposes and cattle-troughs and in such places as the said Corporation shall deem fit and necessary. Any duly authorized fire company and their officers shall have the right to use such hydrants and the water of the Company free of charge. Any damage done to or repairs required for such hydrants shall be at the cost of the said Corporation.

Fire hydrants to be erected by the Company.

35. The following sections of the "Land Clauses Consolidation Act, 1845," shall be read with and as a part of this Act, so far as the same may be applicable, and except in so far as such sections,

Certain sections of the "Land Clauses Consolidation Act, 1845," to apply.

or any of them, be varied or modified by the provisions of this Act, or are repugnant thereto: Sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79; but in section 69, in lieu of the word "bank" and next following words, there shall be read the "Treasury of British Columbia to the account of the Registrar of the Supreme Court of British Columbia"; and in section 70 and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read "The Supreme Court of British Columbia"; and in sections 71, 73, and 76, in lieu of the word "Bank," there shall be read the "Treasury of British Columbia to the account of the Registrar of the Supreme Court of British Columbia."

Recovery of
penalties.

36. Any offence against any of the provisions of this Act for which any penalty is prescribed and no means for its recovery is specified, any Justice or Justices as aforesaid may, in case of a fine, adjudge that such offender shall pay the same either immediately or within such period as the said Justice or Justices shall think fit; and in case such sum of money shall not be paid at the time appointed, the same may be levied by distress and sale of the goods and chattels of the offender, and for want of sufficient distress such offender may be imprisoned at the discretion of such Justice or Justices in the common gaol for any term not exceeding three months, the imprisonment to cease upon payment of the fine and costs.

Power to amalga-
mate with other
water companies.

37. It shall be lawful for the Company to purchase and acquire the franchise and the property rights and privileges of any company created for, or person or persons engaged in, supplying the said City of Nanaimo with water, or to amalgamate with any such company, person or persons as aforesaid.

No Chinese to be
employed.

38. It shall not be lawful for the Company or its contractors to employ any Chinese in or about the laying of the pipes of the said waterworks or in maintaining the same.

Short title.

39. This Act shall be cited as the "Nanaimo Waterworks Act, 1885."

SCHEDULE.

	Per Month.
<i>Dwellings</i> .—For all houses occupied by a single family of not more than five persons	\$2 00
For each additional person	25
<i>Hotels, etc.</i> —Hotels, taverns, and boarding-houses (not including water for baths), for each bed for boarders and lodgers within the same, in addition to the rate for private families	25
For each day boarder	20

	Per Month.
<i>Baths.</i> —Bathing-tubs in private houses, for each tub	\$ 50
Bathing tubs in public-houses, boarding-houses, bathing establishments, and barber-shops, each	1 00
<i>Lodging-houses.</i> —In addition to rate of family keeping the house, for accommodation for each person within same	20
<i>Horses.</i> —For one horse	1 00
Each additional horse	50
<i>Shops, Saloons, and Offices.</i> —For one tap only	2 00
For each additional tap	1 00
Water furnished for manufacturing purposes to be supplied by meter at the following rates:—	
Per 1,000 gallons, provided the monthly bill is not less than \$5.....	\$1 00
“ “ “ “ 10.....	75
“ “ “ “ 50.....	50

To encourage Smelting Works	6th April, 1886.
Vancouver Electric Light	6th April, 1886.
Findlay Creek Mining Company Lease	6th April, 1886.
Vancouver Gas Company	6th April, 1886.
British Columbia Fire Insurance Company	6th April, 1886.
Westminster and Burrard Inlet Telephone Company	6th April, 1886.
Vancouver Street Railway	6th April, 1886.

CHAPTER 33.

An Act to incorporate the Coquitlam Waterworks Company, Limited.

[Passed 6th April, 1886.]

[Amended 7th April, 1887.]

WHEREAS a petition has been presented by Alfred Graham Preamble.
Ferguson, of Vancouver, in the Province of British Columbia,
contractor; Albert J. Hill, of Port Moody, in said Province, civil
engineer; Edward Ashley Wilmot, of Victoria, in the Province
aforesaid, civil engineer; Joseph L. Hunter, of the same place, civil
engineer; Arthur Edmund Hill, of the same place, civil engineer;
Charles George Major, of the City of New Westminster, in the afore-

said Province, merchant; and Gordon Edward Corbould, of the same place, barrister-at-law, for an Act to empower them to construct, manage, and maintain waterworks to supply the towns which are and may hereafter be built at Port Moody, English Bay, and intermediate places, and the City of New Westminster, and the residents of that part of the District of New Westminster hereinafter mentioned; and for the purposes thereof to take water from the Coquitlam River and Lake, and to build flumes, aqueducts, lay pipes, erect dams, acquire lands, and to do all other acts and things necessary for the purposes aforesaid:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation.

1. The said Alfred Graham Ferguson, Albert J. Hill, Edward Ashley Wilmot, Joseph L. Hunter, Arthur Edmund Hill, Charles George Major, and Gordon Edward Corbould, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic by the name of the “Coquitlam Waterworks Company” (hereinafter called “the Company”).

Capital stock.

2. The capital stock of the said Company shall be six hundred thousand dollars, with power to increase to one million dollars, and the said stock shall be divided into six thousand shares of one hundred dollars each, which shall be applied, first, to the payment of all costs and expenses in obtaining the passage of this Act, and the remainder for the purposes of the Company's undertaking.

Provisional directors.

3. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the Company (with full powers of directors as hereinafter defined), of whom three shall form a quorum for the transaction of business, and they shall hold office until the first election of directors under this Act, and shall have power to open stock-books and procure subscriptions of stock for the undertaking.

Company's office.

4. The office of the Company shall be at such place as the Company may elect.

First general meeting.

5. The first general meeting of the shareholders shall be held, upon two weeks' notice being given, at such time and place as the directors shall specify therein.

Annual meeting.

6. The subsequent annual general meeting and special meetings of shareholders shall be held as may be determined by the by-laws of the Company.

7. The Company shall be entitled to borrow money on mortgage, bond, or debentures.

Power to borrow money.

8. The Company and their servants may and shall have full power and authority to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct, waterworks, and all buildings, materials, machinery, and appliances therewith connected, in that part of the District of New Westminster bounded on the east by the Coquitlam River, on the south by the Fraser River, on the west by the Gulf of Georgia, and on the north by a line running along the south shore-line of English Bay and Burrard Inlet to its intersection with the south-west corner of Lot 191, Group 1, New Westminster District; thence north-westerly along the north shore-line of Port Moody, the east shore-line of the North Arm of Burrard Inlet to its intersection with the north line of Township 40 produced west; thence in a north-east direction to the Coquitlam Lake.

Power to construct and maintain waterworks at Burrard Inlet.

9. The water taken by the Company from the Coquitlam River is to be conducted in pipes, placed underground, from the crossing of the western boundary-line of Lot 190, Group 1, New Westminster District, or an imaginary line running due south as an extension thereof, to the western boundary of Lot 31, Group 1, New Westminster District, and through the City of New Westminster and the towns specified in the preamble hereto. But the Company shall have the right to carry the water in a wooden flume placed under or over the ground as may be necessary, so as, however, not to impede traffic in any way from the Coquitlam River to the western boundary of Lot 190, Group 1, New Westminster District, or an imaginary line running due south as an extension thereof.

Water to be conducted through towns in pipes underground.

10. It shall be lawful for the Company, their servants, agents, and workmen, from time to time and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the land of any person or persons, bodies politic or corporate, in the town of Port Moody and the City of New Westminster, and into and upon any land lying between the Coquitlam River and English Bay, and between Coquitlam River and the City of New Westminster, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said waterworks, and to divert at the point on the Coquitlam River where the head of their main pipe, ditch, or flume may tap the said river, and appropriate at that point so much of the water of the Coquitlam River and Lake as their main pipe, ditch, or flume can carry, and to contract with the owners of the said lands, and those having an interest or right in the said waters, for the purchase of the same respectively, or any part thereof, or of any other privilege that may be required for the purposes of the Company, and for the right to take timber, stone,

Power to enter on lands.

Purchase-money or damages to be ascertained by arbitration.

Arbitrators, how appointed.

Arbitration proceedings.

Award may be set aside by Supreme Court.

gravel, sand, and other materials from the aforesaid land, or any adjacent land, for the use and construction of said works; and in case of any disagreement between the Company and the owners and occupiers of the said land, or any persons having an interest in the said waters or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or the value thereof, or as to the damages such appropriations may cause to them or otherwise, or as to the amount of damage arising through the construction of any dam, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any such owner or occupant shall be an infant, or insane, or absent from this Province, or shall refuse to appoint an arbitrator on his or her behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, to nominate and appoint three disinterested persons as arbitrators. The arbitrators to be appointed as before mentioned shall award, determine, adjudge, and order the respective sums of money which the Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final. And the said arbitrators shall be and they are hereby required to attend at some convenient place in the New Westminster District, to be appointed by the Company, after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace, well and truly to assess the value or damages between the parties to the best of his judgment:

Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be again made to the arbitration as hereinbefore provided, and that any sum so awarded shall be paid within one month from the date of the award or determination of any motion to annul the same, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid: Provided always that until the Company have paid to the owner or proprietor the amount of the award, the Company shall not have any right to enter upon the premises for any purpose except for the purpose of survey.

11. The lands, privileges, and waters which shall be ascertained, set out, or appropriated by the Company for the purposes thereof as aforesaid shall thereupon be vested in the Company so long as they fully comply with the provisions of this Act, and it shall be lawful for the Company to construct, erect, and maintain in and upon said lands all such reservoirs, waterworks, and machinery requisite for said undertaking, and to convey the water thereto and therefrom in, upon, and through any of the grounds and lands lying intermediate between the said reservoirs and waterworks, and the river or lake from which the same are supplied, and English Bay and the City of New Westminster aforesaid, by one or more lines of pipes as may from time to time be found necessary; and for the better effecting the purposes aforesaid, the Company and their servants are hereby empowered to enter and pass upon and over the said grounds or lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways and roads through that part of the District of New Westminster bounded on the east by the Coquitlam River, on the south by the Fraser River, on the west by the Gulf of Georgia, and on the north by a line running along the south shore-line of English Bay and Burrard Inlet to its intersection with the south-west corner of Lot 191, Group 1, New Westminster District; thence north-westerly along the north shore-line of Port Moody, the east shore-line of the North Arm of Burrard Inlet to its intersection with the north line of Township 40 produced west; thence in a north-east direction to the Coquitlam Lake—or any of them, and in, through, and under the public ways, streets, lanes, and other passages of the Towns of Port Moody, Vancouver, and the City of New Westminster, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate, politic, or collegiate, whatsoever; and to set out, ascertain, use and occupy, such part or parts thereof as they, the Company, shall think necessary and proper for the making and maintaining of the said works, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water supplied, or for taking up, removing, or altering the same, and for distributing water to the inhabitants of said city and towns, and that part of the District of New Westminster hereinbefore described, or of the proprietors or occupiers of the land through or near which the same shall pass; and for this purpose to sink and lay down pipes, make reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the Company shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable adequate satisfaction to the proprietors, to be ascertained, in case of dispute, by arbitrators as aforesaid; and all such waterworks, pipes, erections, and machinery

Lands, etc., appropriated to be vested in the Company.

Enter on lands.

Lay pipes, etc.

Works to be vested in the Company.

requisite for the said undertaking shall likewise be vested in and be the property of the Company.

12. [*Repealed, 50 Vict., c. 28, s. 4.*]

Regulation of the
use and distribution
of water.

13. The Company shall regulate the distribution and use of the water on all places and for all purposes, and shall from time to time fix the rent or price which any owner or occupier of any house or building who shall use such water shall pay for the use thereof; but in no case shall the Company affix a greater rate than sixty cents a thousand gallons for water, or one dollar a month from the owner or occupants of any house or building wherein the number of persons does not exceed four, and thirty cents a month per capita for each and every additional occupant: Provided always the Company shall, upon the application of any person or persons, furnish a supply of water within a reasonable time from the date of said application: Provided always that the applicant or applicants deposit with the Company a sum sufficient to pay for the actual cost of laying the necessary service-pipe. In which case the Company shall allow the said person or persons a rebate of one-half of the usual water rent until the sum advanced by said person or persons shall have been recouped, then the said pipes shall become the property of the Company; and the Company shall have the power of electing whether they shall charge parties using water from their works by the gallon or per capita as aforesaid.

14. [*Repealed, 50 Vict., c. 28, s. 4.*]

Penalty for fouling
water.

15. If any person shall bathe, or wash, or cleanse any wool, cloth, leather, skins, or animals, or place any nuisance or offensive thing within or near the source of supply for such waterworks, in any lake, river, pond, source, or fountains from which the water of the said waterworks is obtained, or shall convey or cast, throw or put any filth, dirt, dead carcasses, or other nuisance or offensive thing therein, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any two Justices of the Peace, be by such Justices adjudged and condemned to pay a penalty for every such offence not exceeding two hundred and fifty dollars, together with costs; and such Justices may in default of payment condemn such person to be confined in the common gaol at the City of New Westminster for a space not exceeding three calendar months, with or without hard labour.

Penalty for waste
or improper use
of water.

16. If any person, being occupant, tenant, or inmate of any house, or otherwise supplied with water from the said waterworks by the Company, sells or disposes of the water thereof, or gives it away, or

permits it to be taken or carried away, or uses it or applies it to the benefit of others, or to any other than his or her use and benefit, or wrongfully neglects or improperly wastes the water, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty-five dollars, together with costs; and such Justice may in default of payment condemn such person to be confined in the common gaol in the City of New Westminster for a space not exceeding one calendar month.

17. In all places where a vacant space intervenes between a line of the street and the wall of the building into which the water is to be taken, the Company is empowered to lay the service-pipe across such vacant space at the expense of the owners or occupiers of such buildings, such charge to be payable with the first water rates, and to be collected in the same manner from the said owners; or such owner may himself lay such surface-pipes, provided the same is done to the satisfaction of the Company, or persons appointed by them on their behalf.

Laying pipes across vacant spaces.

18. The service-pipe from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon, shall be under the control of the Company, and if any damage be done to this portion of the service-pipe or its fittings by the occupant or owner of the premises, or any person or persons in his or her employ, either by neglect or otherwise, the Company may repair the same and charge the same to the occupant or owner of the premises. The stop-cock placed by the Company inside of the building shall not be used by the water tenant except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of the premises.

Service-pipes, taps, etc., to be under the control of the Company.

19. All parties supplied with water by the Company may be required to place only such taps for the drawing and shutting-off the water as may be approved of by the Company.

Taps.

20. The Company shall not be liable for damage caused by the breaking of any service-pipes or attachment, or for any shutting-off of the water for the purpose of repairing, maintaining, or cleaning the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

Non-liability for damage by water.

21. The servants of the Company shall have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Right of access.

Company can do certain works subject to the control of the Chief Commissioner of Lands and Works.

22. The Company may, subject to the control of the Chief Commissioner of Lands and Works, or of the proper authority having management of the streets and bridges, open and break up the soil and pavement, and any sewers, drains, or tunnels, within or under such streets and bridges, and lay down and place within the said limits pipes and service-pipes, and from time to time repair, alter, and remove the same; and for the purposes aforesaid may remove and raise all earth and materials in and under such streets and bridges, and do all other acts which the Company shall from time to time deem necessary for supplying water to the inhabitants, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Before the Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Chief Commissioner of Lands and Works, or other authority under whose control or management the same may be, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in case of emergency arising from defects in any of the pipes or other works, and then as soon as possible after the beginning of the work or the necessity for the same shall have arisen.

When the Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall, with all convenient speed, complete the work for which the same be broken up, and shall fill in the ground, reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be open or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be opened or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing the same.

23. [*Repealed, 50 Vict., c. 28, s. 4.*]

Time limit for bringing suit or action.

24. If any suit or action be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitation of liability.

25. The liability of the shareholders shall be limited to the amount unpaid on their shares, in accordance with and as if the Company

had been incorporated under the "Companies Ordinance, 1869," and an Act of the Imperial Parliament passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, chapter 89, intituled the "Companies Act, 1862," and the Company shall have all the rights and privileges conferred by and in all things conform to and be governed by the said Ordinance and "Companies Act, 1862."

26. The said waterworks shall be constructed and in operation to the Railway Wharf at Port Moody and to Vancouver, except as to the laying of additional pipes and mains, within four years after the passing of this Act. *[Repealed and new section enacted, 1890, c. 69, s. 1.]*

Time limit for laying pipes to Vancouver, etc.

27. In order to prevent the waste of water and settle disputes arising therefrom as to the quantity consumed, the Company are empowered to place water-meters upon any service-pipe or connection within or without any building or house where water is used, and neither the meter nor any fittings thereunto belonging shall be subject to or liable for rent by the possessor or owner of any premises wherein the same may be.

Use of water-meters.

28. *[Repealed, 50 Vict., c. 28, s. 4.]*

29. The Company shall have power from time to time to make rules and regulations for the general maintenance or management, and for the collection of the water rent, and for fixing the time when and the places where the same shall be payable; and in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or both.

Power of the Company to make rules, etc.

30. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply, but the following sections of the "Land Clauses Consolidation Act, 1845," shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or are repugnant thereto: Sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79; but in section 69, in lieu of the word "bank" and next following words, there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia"; and in section 70 and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read "the Supreme Court of British Columbia"; and in sections 71, 73, and 76, in lieu of the word "bank," there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia."

Certain sections of the "Land Clauses Consolidation Act, 1845," to apply.

Table A of the
"Companies Act,
1862," to apply.

31. The several clauses in Table A in the First Schedule of the Act of the Imperial Parliament, passed in the session of Parliament holden in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, chapter 89, intituled the "Companies Act, 1862," which are not varied or inconsistent with the provisions of this Act, and are applicable to the Company, shall be read with and form part of this Act.

The Company may
alter, etc., any of
the regulations con-
tained in said
Table A.

32. Subject to the provisions of this Act, the Company in general meeting may from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the said Table A, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company; and any regulations so made by special resolution shall be deemed to be regulations of the Company, of the same validity as if they had been originally contained in the said table, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Special resolutions,
how passed.

33. A resolution passed by the Company shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting, of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy, at a subsequent general meeting, of which notice has been duly given, and held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which such resolution was passed. At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notices of any meeting shall, for the purpose of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company. In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Notice of meeting
to be given.

Counting votes.

Votes and voters.

Notice of meeting.

In default of any regulations as to voting, every member shall have one vote; and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of

which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the said Table A; and in default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same; and in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

A copy of any special resolution that is passed by the Company under this Act shall be printed and forwarded to the Registrar of Joint-stock Companies, and be recorded by him. If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding ten dollars for every day after expiration of such fifteen days during which such copy is omitted to be forwarded, and every director and manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty. Any summons, notice, order, or other document required to be served upon the Company may be served by leaving the same or sending it through the post-office in a prepaid letter addressed to the Company at their registered office. Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof, and in proving service of such document it shall be sufficient to prove that such document was properly directed, and that it was put as a prepaid letter into the post-office. Any summons, notice, order, or proceeding requiring authentication by the Company may be signed by any director, secretary, or other authorized officers of the Company, and need not be under the common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Copy resolution to be sent Registrar of Joint-stock Companies.
Penalty for default.

Service of document upon the Company.

Authentication of document by the Company.

34. If in any year during the time the Company is operating said works the net profits divided from said works shall exceed twenty per cent. per annum on the paid-up stock of said Company, the rates charged by the said Company for water shall, when required by the Corporation of Port Moody, New Westminster, or Vancouver, or either of them, be reduced so that the said profits shall not exceed the aforesaid rate of twenty per cent. per annum on the paid-up stock.

Net profits not to exceed 20 per cent.

35. This Act is passed upon the express understanding that no Chinese, either directly or indirectly, shall be employed in or about or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable, upon summary conviction before any two Justices of the Peace, or functionary having the power of two justices of the Peace,

No Chinese to be employed.

Penalties.

upon the oath or affirmation of one or more credible witness or witnesses, to a penalty not exceeding twenty-five dollars or less than ten dollars for every Chinese employed; and in default of immediate payment of the penalty, the same may be levied by distress and sale of the goods and chattels of the Company. And in the event of any Chinese being employed by any of the Company's contractors or sub-contractors contrary to the provisions of this Act, then any such contractor or sub-contractor shall be liable, upon summary conviction as aforesaid, to a penalty not exceeding twenty-five dollars nor less than ten dollars for every Chinese employed; and in case of default in immediate payment of such last-mentioned penalty, the same may be recovered by distress and sale of the goods and chattels of the offender; and in default of sufficient distress, the offender may be committed to any gaol or place of confinement situate within the territorial jurisdiction of the convicting Justices, and there imprisoned for any term not exceeding thirty days; and any director or officer of the Company who causes or procures any Chinese to be employed contrary to the provisions of this Act, or permits or connives at such employment, shall be liable, upon summary conviction as aforesaid, to the like penalties as hereinbefore in this section provided, recoverable in manner secondly hereinbefore mentioned.

Penalties.

36. The offender shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed.

Meaning of
"Chinese."

37. The term "Chinese" wherever used in this Act shall mean any native of the Chinese Empire or its dependencies not born of British parents, and shall include any person of the Chinese race.

Evidence of employ-
ment of Chinese.

38. Upon any prosecution under sections 35 and 36 of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed contrary to the provisions of this Act is a Chinese shall be prima facie evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the defendant the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

Convictions, etc.,
not to be quashed
for want of form.

39. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction, or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process, or proceeding that the same was made for an offence against some provision of this Act, and provided there is evidence to prove

such an offence, and that it can be understood from such conviction, warrant, or process that the appropriate penalty or punishment for such offence was intended to be thereby adjudged. Upon any application to quash any such conviction or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon habeas corpus, or by way of certiorari or otherwise, the Court or Judge to which such appeal is made, or to which such application has been made upon habeas corpus, or by way of certiorari or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance or defects as aforesaid; and in all cases where it appears that the merits have been tried, and that the conviction, warrant, process, or proceeding is sufficient and valid under this section or otherwise, such conviction, warrant, process, or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such Court or Judge may, in any case, amend the same if necessary, and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

40. This Act may be cited for all purposes as the “Coquitlam Short title. Waterworks Act, 1886.”

CHAPTER 35.

An Act to incorporate the Vancouver Waterworks Company, 1886.

[*Passed 6th April, 1886.*]

[*Amended 7th April, 1887.*]

WHEREAS a petition has been presented by Robert P. Rithet, merchant, Thomas Earle, merchant, John Herbert Turner, merchant, George A. Keefer, civil engineer, John Irving, master mariner, and David MacEwen Eberts, barrister-at-law, all of Victoria; Josias C. Hughes, of New Westminster, gentleman; and Frederick W. Foster, of Clinton, merchant, for an Act to empower them to construct and maintain waterworks to supply the residents on the Granville Reserve; and Lots 192, 196, 181, 182, 183, 184, 185, 200A, 264A, 302, and all that portion of the Government Reserve on English Bay lying to the east of Campbell Street, according to the

Preamble.

survey and subdivision of same, and that tract of land lying on English Bay and False Creek, and known as the Canadian Pacific Railway Reserve, south of False Creek, all of which lands are in Group 1, New Westminster District; and for the purposes thereof to take water from Capilano Creek and its tributaries, and to build flumes, aqueducts, lay pipes, erect dams, acquire lands, and do all other acts and things necessary for the purposes aforesaid:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation.

1. Robert P. Rithet, Thomas Earle, John Herbert Turner, George A. Keefer, John Irving, David MacEwen Eberts, Josias C. Hughes, and Frederick W. Foster, and such other persons and corporations as shall in pursuance of this Act become shareholders, are hereby constituted a body corporate and politic by the name of "The Vancouver Waterworks Company," and hereinafter called "the Company."

**Capital stock
\$250,000.**

2. The capital stock of the Company shall be two hundred and fifty thousand dollars, with power to increase to five hundred thousand dollars, divided into two thousand five hundred shares of one hundred dollars each, which shall be applied, first, to the payment of all costs and expenses in obtaining the passage of this Act, and the remainder for the purpose of the Company's undertaking.

**Provisional
directors.**

3. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the Company, of whom three shall form a quorum for the transaction of business, and they shall hold office until the first election of directors under this Act, and shall have power to open stock-books and procure subscriptions of stock for the undertaking.

Head office.

4. The office of the Company shall be at such a place as the Company may elect.

**First meeting of
shareholders.**

5. The first general meeting of the shareholders shall be held upon two weeks' notice being given, at such time and place as the directors shall specify therein.

**Subsequent annual
meetings.**

6. The subsequent annual general meeting of shareholders shall be held as may be determined by the by-laws of the Company.

**Power to borrow
money.**

7. The Company shall be entitled to borrow money on mortgage or bond.

8. The Company and their servants may and shall have full power to design, construct, build, purchase, improve, hold, and generally maintain, manage, and conduct waterworks, and all buildings, materials, machinery, and appliances therewith connected, on the Granville Reserve, and Lots 192, 196, 181, 182, 183, 184, 185, 200A, 264A, 302, and all that portion of the Government Reserve on English Bay lying to the east of Campbell Street, according to the survey and subdivision of same, and that tract of land on English Bay and False Creek, and known as the Canadian Pacific Railway Reserve, south of False Creek, all of which lands are in Group 1, New Westminster District, or to any town or city which may in two years after the passing of this Act be incorporated, and contain within its limits the lands hereinbefore mentioned, or any part or parts of same, and other parts as hereinafter provided.

Power to construct and maintain waterworks at Vancouver.

9. It shall be lawful for the Company, their servants, agents, and workmen, from time to time and at all times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the land of any person or persons, bodies politic or corporate, in the said Granville Reserve, or within ten miles of the said reserve, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said waterworks, and to divert and appropriate so much of the waters of Capilano Creek and its tributaries as shall be necessary for the purposes of their undertaking, and to contract with the owners and occupiers of the said lands, and those having an interest or right in the said waters, for the purchase of the same respectively, or of any part thereof, or of any privilege that may be required for the purposes of the Company, and for the right to take timber, stone, gravel, sand, and other materials from the aforesaid land, or any lands adjacent thereto, for the use and construction of the said works; and in case of disagreement between the Company and the owners and occupiers of the said lands, or any person having an interest in the said waters or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damage arising through the construction of any dam, the same shall be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and the two such arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such arbitrator. In case any such owner or occupant shall be an infant, married woman, or insane, or absent from this Province, or shall

Power to enter on lands.

Appropriate streams, etc.

Purchase-money or damage to be ascertained by arbitration.

Arbitrators, how appointed.

refuse to appoint an arbitrator on his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made to him for that purpose by the Company, to nominate and appoint three different persons as arbitrators.

Powers and duties
of arbitrators.

The arbitrators to be appointed as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the Company shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final.

Arbitration
proceedings.

And the said arbitrators shall be and they are hereby required to attend at some convenient place, at or in the vicinity of the said Granville Reserve, to be appointed by the Company, after eight days' notice given for that purpose by the Company, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace:

Award may be set
aside by Supreme
Court.

Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration, in which case reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within one month from the date of the award or determination of any motion to annul the same; and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive, and the award of a majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Lands, etc., appro-
priated to be vested
in the Company.

10. The lands, privileges, and waters which shall be ascertained, set out, or appropriated by the Company for the purposes thereof as aforesaid shall thereupon, and so long as they fully comply with the provisions of this Act, be vested in the Company, and it shall be lawful for the Company to construct, erect, and maintain in and upon said lands all such reservoirs, waterworks, and machinery requisite for the said undertaking, and to convey the water thereto and therefrom in, upon, and through any of the grounds and lands lying intermediate between the said reservoirs and waterworks, and the springs, streams, rivers, bodies of waters, or lakes from which the same are supplied, and the said Granville Reserve and the other lands hereinbefore mentioned, by one or more lines of pipes as may from time to time be found necessary; and for better effecting the purposes aforesaid, the Company and their servants are hereby empowered to enter and pass upon and over the said grounds or lands intermediate as aforesaid, and the same to cut and dig up if necessary, and to lay down the said pipes through the same, and in, upon, over, under, and through the highways and roads in Group

Power to enter on
lands and convey
and distribute water
over same.

1, New Westminster District, and in, through, over, and under the public ways, streets, lanes, or other passages of the said Granville Reserve and the other lands hereinbefore mentioned, and in, upon, through, over, and under the lands and premises of any person or persons, bodies corporate, politic, or collegiate, whatsoever; and to set out, ascertain, use, and occupy such part or parts thereof as they, the Company, shall think necessary and proper for the making and maintaining of the said works, and for the purchasing of any lands required for the protection of the said works, or for preserving the purity of the water-supply, or for taking up, removing, or altering the same, and for distributing water to the inhabitants of the said Granville Reserve and the other lands hereinbefore mentioned, or of the proprietors or occupiers of the land through or near which the same shall pass; and for this purpose to sink and lay down pipes, make reservoirs and other conveniences, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the Company shall seem meet, doing as little damage as may be in the execution of the powers hereby granted to them, and making reasonable and adequate satisfaction to the proprietors, to be ascertained, in case of dispute, by arbitrators as aforesaid; and all such waterworks, pipes, erections, and machinery requisite for the said undertaking shall likewise be vested in and be the property of the Company.

Lay pipes, etc.

Works to be vested in the Company.

11. [*Repealed.*]

12. The Company shall regulate the distribution and use of the water on all places and for all purposes, and shall from time to time fix the rent or price which any owner or occupant of any house or building who shall use such water shall pay for the use thereof; but in no case shall the said Company fix a greater rent than sixty cents a thousand gallons for water, or one dollar a month from the owner or occupants of any house or building wherein the number of persons does not exceed four, and thirty cents a month per capita for each and every additional occupant; and the Company shall have the power of electing whether they shall charge parties using water from their works by the gallon or per capita as aforesaid, or one dollar a month as aforesaid: Provided always the Company shall, upon the application of any person or persons, furnish a supply of water within a reasonable time from the date of said application: Provided always that the applicant or applicants deposit with the Company a sum sufficient to pay for the actual cost of laying the necessary service pipe. In which case the Company shall allow the said person or persons a rebate of one-half of the usual water rent until the sum advanced by said person or persons shall have been recouped, then the said pipes shall become the property of the Company.

Regulation of the distribution and use of water.

Rates to be charged.

13. [*Repealed.*]

Penalty for fouling water.

14. If any person shall bathe, or wash, or cleanse any wool, cloth, leather, skins, or animals, or place any nuisance or offensive thing within or near the source of supply for such waterworks, in any lake, river, pond, source or fountain from which the water of the said waterworks is obtained, or shall convey or cast, cause, throw, or put any filth, dirt, dead carcasses, or other noisome or offensive thing therein, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in anywise tainted or fouled, every such person shall, on conviction thereof before any two Justices of the Peace, be by such Justices adjudged and condemned to pay a penalty for every such offence not exceeding two hundred and fifty dollars, together with costs; and such Justices may on default of payment condemn such person to be confined in the common gaol at New Westminster for a space not exceeding three calendar months, with or without hard labour.

Penalty for waste or improper use of water.

15. If any person, being occupant, tenant, or inmate of any house, or otherwise supplied with water from the said waterworks by the Company, sells or disposes of the water thereof, or gives it away, or permits it to be taken or carried away, or uses it, or applies it to the benefit of others, or to any other than his or her own use or benefit, or wrongfully neglects or improperly wastes the water, every such person shall, on conviction thereof before any Justice of the Peace, be by such Justice adjudged and condemned to pay a penalty for every such offence not exceeding twenty-five dollars, together with costs; and such Justice may in default of payment condemn such person to be confined in the common gaol in New Westminster for a space not exceeding one calendar month.

Laying pipes across vacant spaces.

16. In all places where a vacant space intervenes between a line of the street and the wall of the building into which the water is to be taken, the Company is empowered to lay the service-pipe across such vacant space, and charge the cost thereof to the owner or occupier of the premises, such charge to be payable with the first water rates, and to be collected in the same manner from the said owner or occupier.

Service-pipes, taps, etc., to be under the control of the Company.

17. The service-pipe from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon, shall be under the control of the Company, and if any damage be done to this portion of the service-pipe or its fittings by the occupant or owner of the premises, or any person or persons in his or her employ, either by neglect or otherwise, the Company may repair the same and charge the same to the occupant or owner of the premises. The stop-cock placed by the Company inside of the building shall not be

used by the water tenant except in cases of accident or for the protection of the building or the pipes, and to prevent flooding of the premises.

18. All parties supplied with water by the Company may be required to place only such taps for the drawing and the shutting-off the water as may be approved of by the Company.

Taps.

19. The Company shall not be liable for damage caused by the breaking of any service-pipes or attachment, or for any shutting-off of the water for the purpose of repairing, maintaining, or clearing the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

Non-liability for damage by water.

20. The servants of the Company shall have free access at proper hours of the day, and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

Right of access.

21. [*Repealed.*]

22. If any suit or action be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within six calendar months next after the act committed, or in case there shall be a continuation of damages, then within one year after the original cause of such action arising.

Limitation of right of action.

23. The said waterworks shall be constructed, completed, and finished to the Granville Reserve, except as to the laying of additional pipes and mains, within four years from the passing of this Act.

Time limit for commencement and completion of works.

24. In order to prevent the waste of water and settle disputes arising therefrom as to the quantity consumed, the Company are empowered to place water-meters upon any service-pipe or connection within or without any house or building where water is used, and neither the meter nor any fitting thereunto belonging shall be subject to or liable for rent by the possessor or owner of any premises wherein the same may be.

Water-meters may be used.

Charges therefor.

25. [*Repealed.*]

26. The Company shall have power from time to time to make rules and regulations for the general maintenance or management, and for the collection of the water rent, and for fixing the time and times when and the places where the same shall be payable; and in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or both.

Power to make rules for general management.

Certain sections of
"Land Clauses Con-
solidation Act,
1845," to apply.

27. The "Land Clauses Consolidation Act, 1845," as modified by the "Vancouver Island Land Clauses Consolidation Act, 1863," shall not apply, but the following sections of the "Land Clauses Consolidation Act, 1845," shall be read with and as part of the Act, so far as the same may be applicable, and except in so far as such sections, or any of them, may be varied or modified by the provisions of this Act, or are repugnant thereto: Sections 26, 29, 30, 31, 32, 33, 34, 36, 37, 69, 70, 71, 72, 73, 74, 76, 78, and 79; but in section 69, in lieu of the word "bank" and the next following words, there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia"; and in section 70 and said subsequent sections, in lieu of the words "Court of Chancery in England," there shall be read the "Supreme Court of British Columbia"; and in sections 71, 73, and 76, in lieu of the word "bank," there shall be read the "Treasury of British Columbia to the account of the District Registrar of the Supreme Court of British Columbia."

Table A to "Com-
panies Act, 1862,"
to apply.

28. The several clauses in Table A in the First Schedule of the Act of the Imperial Parliament, passed in the session of Parliament holden in the twenty-fifth and twenty-sixth years of the reign of Her Majesty Queen Victoria, chapter 89, intituled the "Companies Act, 1862," which are not varied or inconsistent with the provisions of this Act, and are applicable to the Company, shall be read with and form part of this Act.

The Company may
alter, etc., any of
the regulations con-
tained in said Table
A.

29. Subject to the provisions of this Act, the Company may in general meeting from time to time, by passing a special resolution in manner hereinafter mentioned, alter all or any of the regulations of the Company contained in the said Table A, or make new regulations to the exclusion of or in addition to all or any of the regulations of the Company; and any regulations so made by special resolution shall be deemed to be regulations of the Company, of the same validity as if they had been originally contained in the said table, and shall be subject in like manner to be altered or modified by any subsequent special resolution.

Special regulations,
how passed.

30. A resolution passed by the Company shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the Company for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy (in cases where by the regulations of the Company proxies are allowed), at any general meeting, of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such members for the time being entitled, according to the regulations of the Company, to vote, as may be present in person or by proxy, at a subsequent general meeting, of which notice has

been duly given, and held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which such resolution was passed. At any meeting mentioned in this section, unless a poll is demanded by at least five members, a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the same. Notices of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

Notice of meeting
to be given.

In computing the majority under this section when a poll is demanded, reference shall be had to the number of votes to which each member is entitled by the regulations of the Company.

Counting votes.

In default of any regulations as to voting, every member shall have one vote; and in default of any regulations as to summoning general meetings, a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the said Table A; and in default of any regulations as to the persons to summon meetings, five members shall be competent to summon the same; and in default of any regulations as to who is to be chairman of such meeting, it shall be competent for any person elected by the members present to preside.

Votes and voters.

Notice of meetings.

A copy of any special resolution that is passed by the Company under this Act shall be printed and forwarded to the Registrar of Joint-stock Companies, and be recorded by him.

Copy resolution to
be sent Registrar of
Joint-stock Com-
panies.

If such copy is not so forwarded within fifteen days from the date of the confirmation of the resolution, the Company shall incur a penalty not exceeding ten dollars for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded; and every director and manager of the Company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Penalty for default.

Any summons, notice, order, or other document required to be served upon the Company may be served by leaving the same or sending it through the post in a registered letter addressed to the Company at their registered office.

Service of docu-
ments upon the
Company.

Any document to be served by post on the Company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the service thereof, and in proving service of such document it shall be sufficient to prove that such document was properly directed, and that it was put as a prepaid letter into the post-office.

Service by post.

Any summons, notice, order, or proceeding requiring authentication by the Company may be signed by any director, secretary, or other authorized officer of the Company, and need not be under the

Authentication of
documents by the
Company.

common seal of the Company, and the same may be in writing or in print, or partly in writing and partly in print.

Notice of change of head office to be registered.

31. Notice of the situation of the head office, or of any change in such office, shall be filed with the Registrar of Joint-stock Companies.

List of shareholders to be made out annually.

32. This Company shall make, once at least in every year, a list of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting, or if there is more than one ordinary meeting in each year, the first of such ordinary general meetings is held, are members of the Company, and such list shall state the names, addresses, and occupations of all the members therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

What the list shall contain.

- (1.) The amount of capital of the Company, and the number of shares into which it is divided:
- (2.) The number of shares taken from the commencement of the Company up to the date of the summary:
- (3.) The amount of calls made on each share:
- (4.) The total amount of calls received:
- (5.) The total amount of calls unpaid:
- (6.) The total amount of shares forfeited:
- (7.) The names, addresses, and occupations of the persons who have ceased to be members since the last list was made, and the number of shares held by each of them.

List to be sent to Registrar of Joint-stock Companies.

The above list and summary shall be completed within seven days after such fourteenth day as is mentioned in this section, and a copy shall forthwith be forwarded to the Registrar of Joint-stock Companies.

Exemption from taxation for two years.

33. The waterworks to be constructed as aforesaid, and the lands, buildings, machinery, reservoirs, pipes, and all other property connected with or appertaining or belonging to the same, shall be exempt from Provincial taxation for two years from the passing of this Act.

Profits of the Company may be reduced so as not to exceed 20 per cent.

34. If in any year during the time the Company is operating said works the net profits divided from said works should exceed twenty per cent. per annum on the paid-up stock of said Company, the rates charged by said Company for water shall, when required by said Corporation, be reduced so that the said profits shall not exceed the aforesaid rate of twenty per cent. per annum on the paid-up stock.

Proviso for purchase of the works by the City of Vancouver.

35. The Corporation of the proposed City of Vancouver may, on giving twelve months' notice in writing to the Company, acquire the works and property of said Company, on payment therefor to the said Company of the value of the said works and property, to be

ascertained as hereinafter provided, with twenty per cent. added thereto, together with an additional sum sufficient to provide for the payment of the expenses of operation and maintenance of said works, and the payment of annual dividends equal to ten per cent. per annum on the paid-up stock of the Company, from the date of commencement of operation of said works to the date of their transfer to the said Corporation.

Amount to be added to valuation.

The value of said works and property shall be ascertained by two arbitrators, one of whom shall be appointed by the Corporation of said city and one by the Company, and in case of disagreement between the said arbitrators they shall appoint a third; and in case the two arbitrators cannot agree upon the appointment of the third arbitrator, it shall be the duty of one of the Judges of the Supreme Court of British Columbia, upon application to him by either the said Corporation or the said Company, to appoint a third arbitrator.

Value of works to be ascertained by arbitration.

36. This Act is passed upon the express understanding that the Company shall not, directly or indirectly, employ any Chinese in or about or concerning any work or services authorized by this Act, or required by the Company to be done or performed. In the event of any Chinese being employed by the Company, the Company shall be liable to a penalty not exceeding twenty-five dollars nor less than ten dollars for every Chinese so employed, to be recovered in a summary way before any two Justices of the Peace, who shall have full power to hear and adjudicate upon any information or complaint laid or brought before them by any person against the Company for employing Chinese; and in default of immediate payment of the penalty, the same may be levied by distress and sale of the goods and chattels of the Company, and in default of sufficient distress, by sale of other the property of the Company.

Chinese not to be employed, directly or indirectly, by Company or its contractors.

Penalties.

37. The Company shall be liable to separate and successive penalties for each and every day during which any Chinese shall be employed by the Company.

Successive penalties.

38. The word "Chinese" in this Act shall mean and include any native of China or its dependencies, or of any islands in the China Seas, not born of British parents, or any person born of Chinese parents.

Meaning of "Chinese."

39. Upon any prosecution under section 36 of this Act, evidence under oath of any witness that to the best of his knowledge and belief any person alleged to have been employed by the Company contrary to the provisions of this Act is a Chinese shall be prima facie evidence that such person is a Chinese within the meaning of this Act, and shall cast upon the Company the burden of proving that such person is not a Chinese. The Justices may also decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this Act.

Evidence.

Short title.

40. This Act may be cited for all purposes as the "Vancouver Waterworks Act, 1886."

Sumas Dyking7th April, 1887.

CHAPTER 19.

An Act to authorize a Loan of One million Dollars.

[7th April, 1887.]

Preamble.

WHEREAS it is expedient to raise a loan to be secured on the general revenue of the Province of British Columbia in the manner hereinafter appearing:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Debentures to amount of \$1,000,000 may be issued.

1. It shall be lawful for the Lieutenant-Governor in Council, from time to time, or at any time hereafter, to cause to be made out and issued debentures secured upon the general revenue of the said Province for sums not exceeding in the whole one million dollars.

Interest at 5 per cent. per annum.

2. All debentures made out and issued under this Act shall bear interest at any rate not exceeding five per centum per annum, as may be determined by the Lieutenant-Governor in Council, payable half-yearly, and shall be redeemable at the expiration of thirty years, from the first day of July, Anno Domini one thousand eight hundred and eighty-seven.

Debentures not to be for less than £100 sterling each.

3. Every debenture shall be for any sum or sums not less than one hundred pounds sterling, which the said Lieutenant-Governor in Council shall determine, and which, together with the interest thereon, shall be payable in London at the office of the Bank of British Columbia, or at such other bank in London as the Lieutenant-Governor in Council shall from time to time appoint, or at the Treasury of the said Province.

4. All debentures made out and issued under this Act shall be signed on behalf of the Government of British Columbia by such person or persons as the Lieutenant-Governor in Council may from time to time appoint, and entered in a register to be called the "Debenture Register, Loan Act, 1887," a duplicate whereof shall be kept at the office of the Bank of British Columbia in London, or such other bank aforesaid, and a copy thereof by the Auditor of the said Province, and next after the debentures issued under the provisions of the "British Columbia Loan Act, 1874," and the "British Columbia Loan Act, 1877," and for the time being outstanding, shall be and be deemed to be a primary charge upon all the revenues of the said Province, from whatever source arising; and all interest on such debentures, and the principal when due, shall be paid by the Minister of Finance of the said Province out of such revenues, under warrants to be issued by the said Lieutenant-Governor in Council, in priority, except as aforesaid, of all demands thereon, except the charge and expenses of the collection thereof.
5. The said debentures may be in the form marked "A," set forth in the Schedule to this Act, and shall bear date on the day of the issuing thereof, and shall be numbered arithmetically, beginning with number one, and so proceeding in arithmetical progression ascending, wherein the common excess or difference shall be one.
6. Interest coupons shall be attached to each debenture in form marked "B," set forth in the Schedule hereto.
7. The said debentures shall be made payable to the bearers thereof, and shall pass by delivery only, and without any assignment or endorsement; and the holder or bearer for the time being of every such debenture shall have the same rights and remedies in respect of the same as if he were expressly named therein.
8. It shall be lawful for the said Lieutenant-Governor in Council to authorize the whole or any portion of the said debentures to be negotiated, contracted for, or sold at such times, in such sums, and in such manner as the said Lieutenant-Governor in Council may direct.
9. All moneys raised under this Act shall be paid, in such manner as the said Lieutenant-Governor in Council shall prescribe, to the Minister of Finance, and shall by him be placed to the credit of an account to be called the "Loan Act, 1887, Account," to be applied to the purposes of paying off the floating or temporary liabilities of the said Province, or of any sums borrowed or to be borrowed and expended for public purposes of the Province; and the said moneys shall be accounted for in the same manner as if they formed part of the current revenue of the said Province.

Mode of issuing and registering debentures.

Form of debentures.

Form of interest coupons.

To be made payable to bearer.

Lieut.-Governor may negotiate or sell same.

Disposal of moneys borrowed.

Payment of debentures.

10. The said Lieutenant-Governor in Council shall provide for the payment of the said debentures by authorizing and directing the Minister of Finance to appropriate yearly out of the general revenue of the Province such sum as shall be equal to six and three-quarters per cent. on the total of the principal sum for which the said debentures shall from time to time have been issued and be for the time being outstanding, and shall in semi-annual payments pay the interest thereon, and shall invest, or cause to be invested, the residue thereof as a sinking fund for the final extinction of the debt; and shall invest, or cause to be invested, the dividends, interest, or annual produce arising from such investment, so that the same may accumulate by way of compound interest; the payment of interest and sinking fund as aforesaid to become due on thirtieth June and thirty-first December in each year.

Sinking fund.

Appointment of trustees.

11. All sums paid to the account of the sinking fund, and all interest or produce arising therefrom, shall be invested under trustees in the purchase of Imperial Government securities, or of the Government securities of this or any other Province or Colony of Great Britain. The nature of such securities and the number and selection of the trustees shall be such as may be determined by the Lieutenant-Governor in Council.

Investment of sinking fund.

12. Provided that it shall be lawful for the said trustees, from time to time, or at any time hereafter, under the direction and the instructions of the Lieutenant-Governor in Council, to invest the amount of any such sinking fund, and the accumulation thereof, in any debentures or other Government securities of British Columbia, as well as in Imperial securities or the Government securities of other Colonies, and to hold every such British Columbian debenture or other security uncanceled; and to receive and invest the interest accruing thereon for the purpose of the sinking fund, in the same manner as the debentures of any other Colony.

Repurchase of debentures.

13. Provided, nevertheless, that it shall be lawful for the said Lieutenant-Governor in Council from time to time to authorize the said Minister of Finance of the said Province for the time being to repurchase the said debentures, to the amount of such moneys as the said Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of British Columbia, may by any Act hereafter to be issued and passed by him, by and with such advice and consent as aforesaid, or out of the current revenue of the Province, appropriate for that purpose, and for the trustees of the said sinking fund to make use thereof, for the purpose of withdrawing debentures from the market by purchase; and all debentures so repurchased shall be forthwith cancelled and destroyed, and no reissue of debentures shall be made in consequence of such purchase and destruction.

14. From and after the date of any and every such repurchase or redemption of debentures as last aforesaid, the amount then payable to the sinking fund shall be from time to time reduced in exact proportion to the amount of debentures for the time being remaining unredeemed, and any moneys remaining in the sinking fund after the loan hereby sanctioned is fully paid and satisfied shall be forthwith paid over to the Minister of Finance, and accounted for as general revenue.

Proportionate deduction of sinking fund.

15. It shall not be necessary for the Minister of Finance, or any other person acting for or in behalf of the Government of the said Province, to notice, or regard, or inquire into any trust to which any debentures shall be liable, or the rights or authority of any one being the actual holder or bearer of any such debentures as aforesaid, but payment to the actual holder or bearer thereof, or his lawful agent, shall be deemed in all cases due payment, unless otherwise specially agreed in writing, by and under the hand of the Minister of Finance, or other person acting as aforesaid, for the time being entrusted with the sale of such debentures.

A redemption payment to actual holder sufficient.

16. The "British Columbia Loan Act, 1886," is hereby repealed.

Repeals "Loan Act, 1886."

17. This Act may be cited for all purposes as the "British Columbia Loan Act, 1887."

Short title.

SCHEDULE.

FORM A.

No..... £.....

BRITISH COLUMBIA GOVERNMENT DEBENTURES.



"BRITISH COLUMBIA LOAN ACT, 1887."

For [*one hundred*] Pounds sterling advanced to the Government of British Columbia, the holder of this debenture is entitled to receive interest at the rate of per centum per annum, in half-yearly payments, payable at the office of the Bank of British Columbia in London [*or at such other bank in London as the Lieutenant-Governor in Council may from time to time appoint, or at the Treasury, Victoria, British Columbia, as the case may be*] on the first day of July and first day of January in each year.

The said sum of [*one hundred*] pounds sterling, with interest thereon, is charged upon and made payable out of the general revenue of the Province of British Columbia, under the terms of the "British Columbia Loan Act,

1887," and the principal will be repaid [*in London at the aforesaid offices, or at the Treasury, Victoria, British Columbia, as the case may be*] at the expiration of thirty (30) years from the first day of July, 1887.

Signed on behalf of the Government of British Columbia, and in accordance with the provisions of the Act above recited.

Registered,

.....

(Signed.)

For Government of British Columbia,
and by its authority.

FORM B.

BRITISH COLUMBIA.

No.

Half-year's interest due [] on Debenture No. payable [*at the Bank of British Columbia, London, or at such other bank in London as the Lieutenant-Governor in Council may from time to time appoint, or at the Treasury, Victoria, British Columbia, as the case may be.*]

£.....

..... such coupons, numbered from No. 1 upwards, to be attached to each debenture bond.

Kootenay and Athabasca Land Grant.....7th April, 1887.
Shuswap and Okanagan Railway Subsidy.....7th April, 1887.
Delta Railway Company.....7th April, 1887.
Kootenay and Athabasca Railway Company.....7th April, 1887.
New Westminster Southern Railway.....7th April, 1887.
Victoria Fire Department, Distribution of Assets...7th April 1887.

CHAPTER 14.

An Act to adjust the Rights of Settlers on the Former
Townsite of Granville.

[28th April, 1888.]

WHEREAS on or about the fourth day of August, 1884, Mr. W. C. Preamble.

Van Horne, the vice-president of the Canadian Pacific Railway Company, visited the Province of British Columbia upon business connected with the Company, and during his visit negotiations were opened between the said W. C. Van Horne, representing the Company, and the Government of British Columbia, having for their object the extension of the line of the Canadian Pacific Railway to Coal Harbour and English Bay, and for the grant of certain lands in New Westminster District by the Government in consideration of such extension:

And whereas, as a term of the negotiation, it was agreed to recognize the claims of certain of those persons who had already personally located upon lands in the townplot of Granville which were comprised within the lands proposed to be granted to the Company, in consequence of the same having been reserved by the Government:

And whereas, after W. C. Van Horne's visit, the negotiations were carried on by Mr. H. Beatty, on behalf of the Company, and the Hon. Wm. Smithe, Chief Commissioner of Lands and Works, acting on behalf of the Government; and as bearing upon the claims of those who had located upon lots in the townsite of Granville the following correspondence ensued:—

"The Chief Commissioner of Lands and Works to Mr. Beatty.

LANDS AND WORKS DEPARTMENT,

VICTORIA, B.C., 31st January, 1885.

"SIR,—Referring to our conversation upon the subject of persons who had located upon lots in the townsite of Granville previous to the date of Mr. Van Horne's visit to that place, I have now the honour to request that you will, on behalf of the Canadian Pacific Railway Company, authorize me to inform all such persons as shall be found to have located in a bona-fide manner previous to that date upon lots there, and who have made substantial improvements thereon, that the Company will sell to each such locatee his respective lot at (\$200) two hundred dollars. So far as I have information, the number will not exceed a dozen.

"I have, etc.,

"(Signed) WM. SMITHE,

Chief Commissioner of Lands and Works."

"Mr. Beatty to the Chief Commissioner of Lands and Works.

"VICTORIA, B.C., 31st January, 1885.

"DEAR SIR,—I have the honour to acknowledge the receipt of your letter of this date, regarding bona-fide occupants who made substantial improvements on lots in the townplot of Granville previous to Mr. Van Horne's visit. In the conversation I had the pleasure of holding with you on this subject, it was understood that two hundred and fifty dollars would be considered, under the circumstances, a fair price to fix on these lots; but if since the date of our conversation you have considered the question more fully and think that figure excessive, I am willing, on behalf of the Company, to accede to your wishes and have the price fixed at two hundred dollars.

"I would point out, however, that it may be necessary to alter the plan, and any arrangement made with these people should be on the understanding that, in the event of this happening, there would be no opposition raised on their part, provided the Company granted them lots as well situated as those they now occupy.

"I have, etc.,

"(Signed.) HENRY BEATTY.

"On behalf of the Canadian Pacific Railway Company, I agree to the within agreement.

"(Signed.) W. C. VAN HORNE,
Vice-President.

"Victoria, 10th November, 1885."

And whereas the said letters were intended to constitute an agreement between the Company and the Government:

And whereas it appears by the Report of a Select Committee that the following persons claimed to be entitled to the several lots set opposite their respective names under and by virtue of the said correspondence:—

C. C. Ralston	Lot 9, Block	3
A. W. Sullivan	" 7, "	3
John Jacklin	" 5, "	5
A. H. Byram	" 4, "	5
Jas. Orr	Lots 13 and 14, "	5
Wm. Mashiter	Lot 1, "	17
H. G. Ouder Kirk	" 4, "	17
A. E. McCartney	" 2, "	17
J. B. Henderson	" 7, "	17
I. J. Hayden	" 10, "	3
N. Hjorth	" 12, "	3
Alfred King	" 13, "	3
Jno. Angus	" 11, "	3
Geo. Preston	" 18, "	17
A. McCrimmon	" 9, "	17

John McGregor	Lot 8, Block	4
J. H. Gillespie	" 11, "	5
C. A. Caldwell	" 9, "	5
Jonathan Miller	" 13, "	2
Jos. Griffiths	" 5, "	3
Wm. McBride	" 6, "	3
Thos. Whipple	" 3, "	17
Jno. Hill	" 14, "	3
J. M. Stuart	" 16, "	3
J. J. Mannion	" 12, "	2
Simon Frazer	" 4, "	3
John Bruns	" 2, "	17
J. H. Gillespie	" 15, "	3

And whereas the Company have recognized the claims of Jonathan Miller, Jos. Griffiths, William McBride, Thos. Whipple, Jno. Hill, J. M. Stuart, J. J. Mannion, Simon Frazer, John Bruns, J. H. Gillespie, and settled with them, and also compromised with John McGregor, J. H. Gillespie, and C. A. Caldwell to their satisfaction, but denied the claims of the remainder; that is to say, the claims of C. C. Ralston, A. W. Sullivan, John Jacklin, A. H. Byram, Jas. Orr, Wm. Mashiter, H. G. Ouderkirk, A. E. McCartney, J. B. Henderson, I. J. Hayden, N. Hjorth, Alfred King, John Angus, Geo. Preston, and A. McCrimmon:

And whereas the Company have since signified their willingness to recognize six of such remaining claims, and it has been agreed that the other nine shall be referred to arbitration in manner hereinafter appearing:

And whereas the provisions of this Act have been agreed to by the Canadian Pacific Railway Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The term "Company," wherever used in this Act, means the Canadian Pacific Railway Company, and whenever the term "Company" is employed in reference to a grant of land shall include any trustees holding lands on behalf of the Company. Meaning of "Company."

2. The said letters of the thirty-first January, 1885, shall be construed as an undertaking on the part of the Company with the Government that each person who should, previous to the fourth day of August, 1884, have located in a bona-fide manner upon a lot within the townsite of Granville, and who should have made substantial improvements thereon, should have the right of purchase of the said lot located by him at the price of two hundred dollars. Construction of letters of 31st January, 1885.

3. The Company shall forthwith upon the passing of this Act name six of the remaining claimants under the said agreement, and Company to admit claims of six squatters to be named forthwith.

shall grant to each of the persons so named who shall pay the sum of two hundred dollars to the Company the lot claimed by him, as set out in the preamble to this Statute, such lot not to exceed sixty-six feet by one hundred and thirty-two feet. The claims of the remainder shall be referred to arbitration in manner hereinafter mentioned.

Claims of the other squatters to be referred to arbitration.

If the Chief Commissioner of Lands and Works for the time being can agree within two months, or such further time as may be agreed to by the Chief Commissioner, from the passage of this Act with the Company to name a sole arbitrator, then such sole arbitrator shall hear and determine which (if any) of the said claimants shall receive the lot claimed by him. The decision of such arbitrator shall be final and conclusive.

Appointment of arbitrators.

If a sole arbitrator shall not be agreed upon within the time aforesaid, then the Lieutenant-Governor in Council shall, within three months from the passage of this Act, name by Order in Council (notice whereof shall be published in the British Columbia Gazette) one person as arbitrator, and within the like period the Company shall appoint a second arbitrator and give notice of such appointment to the Chief Commissioner of Lands and Works. In default of either the Lieutenant-Governor in Council or the Company appointing an arbitrator within the time specified, any Judge of the Supreme Court of British Columbia may, on application by the party not in default, appoint an arbitrator for the party making default; and in case either arbitrator shall die, refuse, or become incapacitated to act, the party on whose behalf such arbitrator has been appointed shall, within ten days, appoint another arbitrator in his place, or in default such other arbitrator shall be appointed by a Judge.

Appointment of umpire.

4. Forthwith upon the appointment of the arbitrators, and before they proceed with the matters referred to them, the Company and the Chief Commissioner of Lands and Works shall concur in nominating and appointing some person to be a third arbitrator; but if within three weeks after the appointment of the arbitrators the Company and the said Chief Commissioner of Lands and Works fail to agree to the appointing of such arbitrator, the Hon. John Alexander Boyd, Chancellor of Ontario, or such person as he shall name, shall be the third arbitrator; or if the said Hon. John Alexander Boyd shall die, or refuse or neglect to name a third arbitrator, then any Judge of the Supreme Court of Canada may name a third arbitrator.

Arbitrators to determine claims and make award.

5. The said arbitrators shall hear and determine the respective claims of the said nine other claimants, and shall either allow or refuse the several lots claimed, and the award of the said arbitrators, or if the said arbitrators shall not agree, then the award of any two of the said arbitrators, in any case, shall be final and conclusive as

against the Company, and as against each and every claimant in respect of the lands referred to in the said award.

6. The award shall be made ready to be delivered to the Lieutenant-Governor in Council or the Company within four months, or within such further time as the arbitrators, or any two of them, may from time to time appoint.

Award to be made within four months.

7. The costs of the arbitration shall be paid, one-half by the Lieutenant-Governor in Council out of the consolidated revenue of the Province, and the other half by the Company; but either the Lieutenant-Governor in Council or the Company may pay and advance the whole; and one-half of the amount so paid shall be a debt due to the Provincial Government from the Company, or to the Company from the Provincial Government, as the case may be.

Costs to be borne by Province and Company equally.

8. All persons, other than those whose claims shall be so arbitrated upon, shall be for ever barred and excluded from any claim in respect of any lot in the townsite of Granville under the arrangement made between the Government and the Company, and this Act may be pleaded in bar to any such claim.

All other claims to be barred.

Crow's Nest and Kootenay Railway Land Grant...	28th April, 1888.
Esquimalt and Nanaimo Beecher Bay Branch	
Land Grant	28th April, 1888.
Kootenay Railway and Navigation Company Land	
Grant	28th April, 1888.
Relief of Settlers at Matsqui Prairie	28th April, 1888.
Nicola Mining Company	28th April, 1888.
Crow's Nest and Kootenay Railway.....	28th April, 1888.
Esquimalt and Nanaimo Railway-line to Beecher	
Bay	28th April, 1888.
Kootenay Railway and Navigation Company.....	28th April, 1888.
Harrison Hot Springs Transportation Company...	28th April, 1888.

CHAPTER 48.

An Act to amend the "City of Victoria Official Map Act, 1880."

[28th April, 1888.]

Preamble.

WHEREAS, under and by virtue of an Act passed in the forty-third year of Her Majesty Queen Victoria, chaptered 31, intituled the "City of Victoria Official Map Act, 1880," stone monuments were placed at the governing points and along the centre line of each and every street in the said city, except as hereinafter mentioned:

And whereas on the map duly filed in the office of the Registrar-General of British Columbia at Victoria, under and by virtue of the said Act, are shown points denoting the positions of the said stone monuments:

And whereas on Humboldt Street, in the said city, no stone or other monument has been placed at the intersection of the angle in said street opposite Lot 211, a governing point on the said street, and no point appears on the said map denoting such intersection:

And whereas it is desirous to rectify said error:

Be it therefore enacted by Her Majesty the Queen, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, as follows:—

Authorizes certain amendments to the Victoria City official map.

1. It shall be lawful for the Corporation of the City of Victoria to cause the official map of the said city filed in the Land Registry Office, Victoria, under the provisions of the "City of Victoria Official Map Act, 1880," to be altered under the direction of B. W. Pearse and Joseph D. Pemberton, or such other Commissioner or Commissioners as may be appointed by the said Corporation, by resolution, in the place and stead of the said B. W. Pearse and Joseph D. Pemberton, or either of them, in the event of the death, resignation, refusal to act, or absence from the said Province of the said B. W. Pearse and Joseph D. Pemberton, or either of them, by placing on same a point on Humboldt Street denoting the position of a stone monument at a governing point on Humboldt Street, at the intersection of the angle in said street opposite Lot 211, Victoria City; and that the said Corporation may, under the superintendence of the said Commissioners, or either of them, or other Commissioner or Commissioners as aforesaid, place a stone monument at such intersection.

Amendments to be made within two months.

2. The said map shall be altered and amended as aforesaid, and the said stone monument placed at said intersection, within two

months after the passing of this Act, and at the time the said map shall be altered and amended as aforesaid it shall be signed by the Commissioner or Commissioners as aforesaid.

3. The Registrar-General of British Columbia shall, during office hours, permit any Commissioner or Commissioners under this Act to have access to the said map, and shall suffer and permit the same to be altered and amended in conformity with this Act.

Empowers Registrar-General to permit map to be amended.

4. This Act may be cited as the "City of Victoria Official Map Amendment Act, 1888."

Short title.

Land Grants for Charitable Purposes.....6th April, 1889.

CHAPTER 12.

An Act to provide for a Grant to the Corporation of the City of New Westminster, for Railway and other Purposes, of a Portion of the Public Lands on Lulu Island.

[6th April, 1889.]

WHEREAS the Corporation of the City of New Westminster have applied to the Lieutenant-Governor in Council for the issue to them of a Crown grant of a portion of the Government reserve situate on the north-eastern end of Lulu Island, Fraser River, and now known as Lot 757, Group 1, New Westminster District, and have undertaken, in consideration of receiving said Crown grant, to build, erect, and maintain a good and substantial traffic-bridge, suitable for passengers and wagons across the North Arm of the Fraser River, from some point on said reserve to some point within the city limits on the north shore or bank of the Fraser River, said bridge to be constructed subject to the approval of the Chief Commissioner of Lands and Works, and kept open for public traffic, and also to construct a wagon-road from said bridge westward to

Preamble.

connect with Richmond Municipality, and also to construct all canals, drains, ditches, and dykes necessary for draining the said reserve:

And whereas it is expedient that such application should be granted:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Grant of Lot 757 on Lulu Island to City of New Westminster.

1. It shall be lawful for the Chief Commissioner of Lands and Works to cause to be issued to the Corporation of the City of New Westminster a Crown grant of that portion of the Government reserve on Lulu Island, Fraser River, now known as Lot 757, Group 1, New Westminster District, upon the Corporation of the City of New Westminster executing a bond to his satisfaction—

The said city to erect, etc., bridge between said land and the city.

(a.) To secure the erection and maintenance of a bridge between the Government reserve on Lulu Island and that portion of the City of New Westminster which is situate on the north bank of the Fraser River, and that said bridge shall be constructed subject to the approval of the said Chief Commissioner of Lands and Works:

And to construct, etc., wagon-road to Richmond Municipality.

(b.) To construct and keep in repair, to the satisfaction of the Chief Commissioner of Lands and Works, a wagon-road, not less than twenty feet wide, from said bridge through Lulu Island to the boundary of the Municipality of Richmond:

And to drain Government reserve on Lulu Island.

(c.) To construct all canals, drains, ditches, and dykes necessary for draining said Government reserve:

City of New Westminster to execute bond for performance of said works..

2. The Corporation of the said City of New Westminster is hereby authorized to enter into, execute, and deliver a bond to Her Majesty to secure the due performance by the said Corporation of the works undertaken to be executed by the said Corporation, which said bond may be in the words and figures or to the tenor and effect following:—

SCHEDULE.

Form of bond.

Know all men by these presents that we, the Corporation of the City of New Westminster, are held and firmly bound to Her Majesty Queen Victoria, her heirs and successors, in the sum of ten thousand dollars of lawful money of Canada, to be paid to Her Majesty, her heirs or successors, as ascertained and liquidated damages, for the breach of any or all of the conditions hereinafter mentioned, which payment to be well and faithfully made the said Corporation binds itself, and its successors, firmly by these presents.

Sealed with the seal of the said Corporation of the City of New Westminster.
Dated this day of , 1889.

Whereas, by an Act of the Legislative Assembly of the Province of British Columbia, intitled "An Act to provide for a Grant to the Corporation of the City of New Westminster, for Railway and other Purposes, of a Portion of the Public Lands on Lulu Island," the Chief Commissioner of Lands and Works is authorized to issue to the Corporation a Crown grant of that portion of the Government reserve on Lulu Island, Fraser River, now known as Lot 757, Group 1, New Westminster District, upon the execution by the Corporation of the City of New Westminster of a bond to his satisfaction to secure the performance and execution of certain works in said Act mentioned; and whereas said Chief Commissioner of Lands and Works has approved of this bond:

Now, the conditions of the above-written bond are such that if the above-bounden Corporation of the City of New Westminster shall well and truly observe, perform, fulfil, and keep the following covenants and agreements, namely :—

- (a.) To erect and maintain a good and substantial traffic-bridge, suitable for passengers and wagons, between the Government reserve on Lulu Island, Fraser River, now known as Lot 757, Group 1, New Westminster District, and that portion of the City of New Westminster which is situate on the north bank of the Fraser River, and that said bridge shall be constructed in accordance with plans and specifications approved of by the said Chief Commissioner of Lands and Works :
- (b.) To construct and keep in repair, to the satisfaction of the Chief Commissioner of Lands and Works, a good and substantial wagon-road, not less than twenty feet wide, from said bridge through Lulu Island to the boundary of the Municipality of Richmond :
- (c.) To construct all canals, drains, ditches, and dykes necessary for draining said Government reserve :
- (d.) That all said works shall be completed to the satisfaction of the Chief Commissioner of Lands and Works for the time being, within five years from the first day of May, 1889, and time shall be deemed of the essence of this agreement.—

then the above-written bond or obligation shall be void; otherwise shall be in full force and effect.

The seal of the Corporation of the City
of New Westminster was affixed hereto
by me _____, Clerk of the said Cor-
poration, on the day and year first
above written.

..... Clerk.

Canada Western Railway6th April, 1889.

CHAPTER 21.

An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Columbia and Kootenay Railway.

[6th April, 1889.]

Preamble.

WHEREAS an Act has been passed at the present session of the Legislative Assembly of the Province of British Columbia enabling the Columbia and Kootenay Railway and Navigation Company to construct a railway from the outlet of Kootenay Lake through or by the Selkirk Range of Mountains to some point on the Columbia River at or near the junction of the Kootenay with the Columbia River in British Columbia:

And whereas it is expedient to grant a certain land subsidy to the said Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Power to issue land warrants not exceeding 200,000 acres in aid of Columbia and Kootenay Railway.

1. Subject to the conditions hereinafter contained, it shall be lawful for the Government of British Columbia to grant to the said Company lands and warrants (in the form in the Schedule hereto) for Crown lands in the Kootenay District, not exceeding in the aggregate two hundred thousand acres.

Upon commencement of work, land may be reserved upon the Company depositing \$2.50 per acre.

2. The Lieutenant-Governor in Council, after actual construction of the said railway has been commenced, may, at the request of the Company, reserve in favour of the Company any blocks of land four miles in length by four miles in breadth that may be designated by the Company, upon the Company depositing with the Government the sum of two dollars and fifty cents per acre, which said sum shall be returned, without interest, to the Company upon completion of the said railway and equipment of the line of steamers to the satisfaction of the Lieutenant-Governor in Council within the time mentioned in the Act; and in default of such completion and equipment the obligation to return the money shall cease, and the Company shall be entitled to receive Crown grants of the land in respect of which the deposit has been made. So soon as any land has been reserved, such land shall be liable to taxation.

Reserve of right-of-way upon location of the line.

3. The Lieutenant-Governor in Council may, after the said Company has finally located its line of railway, and has filed a plan of same with the Chief Commissioner of Lands and Works, set apart and reserve a right-of-way through the lands of the Crown along the

line of the said proposed railway, from the point of commencement on the outlet of the Kootenay Lake through the Selkirk Range to a point on the Columbia at or near the junction of the Kootenay and Columbia Rivers.

4. Upon completion of the said railway, and when the same is in good running order to the satisfaction of the Lieutenant-Governor in Council, and when the line of steamers has been duly equipped, in accordance with the terms of the Act, the Government shall grant to the Company the lands reserved under section 2 of this Act, and land warrants for a sufficient number of acres to bring the total amount of the land subsidy up to two hundred thousand acres.

When Crown grants to be given to the Company.

5. The lands to be acquired by the Company shall be held subject to the land laws of the Province.

Land laws to apply.

6. Every land warrant, except one which may be issued for five thousand four hundred and forty acres, shall be for not less than ten thousand two hundred and forty acres, and may be transferable to other persons, and shall entitle the holder thereof, upon his complying (except as to payment of purchase-money) with the laws of the Province relative to the purchase of surveyed or unsurveyed land, and upon the surrender of the warrants to the Chief Commissioner of Lands and Works, to receive a Crown grant of the lands applied for, in pursuance of the said warrant and the said land laws.

Each land warrant to be for 10,240 acres.

Crown grant to be issued on surrender of warrant.

7. No Crown grant shall issue except for unoccupied, unreserved, and unrecorded Crown lands, not being an Indian settlement or Indian reserve.

Indian reserves and certain other lands not to be granted.

8. The surveys necessary for defining the said land shall be at the expense of the Company, and such surveys shall be conducted in accordance with the land laws of the Province.

Surveys to be at expense of the Company.

9. The land warrants issued under this Act shall be in force for six years from the passage of this Act.

Land warrants to be in force six years.

10. The said Company shall, subject as hereinafter mentioned, receive a grant of—

Grant of right-of-way, etc.

(a.) A right-of-way through the lands of the Crown, ninety-nine feet in width, along the line of the said proposed railway, from the point of commencement, from the outlet of Kootenay Lake, through or by the Selkirk range of mountains to some point on the Columbia River:

(b.) Such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, bridges, culverts, drains, and other works and approaches thereto.

Right-of-way ex-
empted from tax-
ation for five years,

And personal prop-
erty for two years.

Saves rights of free
miners.

Transfer of land
warrants.

11. The right-of-way of the Company shall not be subject to Provincial taxation for a period of five years from the passing of this Act, and the railway and steamers, and all stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required and used for the construction, equip-ment and working of the said line of railway, and the capital stock of the Company, and all personal property owned or possessed by the Company in British Columbia shall be free from Provincial taxation until the lapse of two years after the completion of the railway.

12. Nothing contained in this Act shall be construed to interfere with free miners entering upon and searching for precious metals and acquiring claims in accordance with the mining laws of the Province.

13. In case of any transfer of the said land warrants cited in this Act from one person to another person, such transfer shall be registered with the Chief Commissioner of Lands and Works.

SCHEDULE.

LAND WARRANT.

Transferable.

No. .

This is to certify that *A. B.* (his or their heirs, successors) and assigns is entitled, under the provisions of an Act intituled "An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Columbia and Kootenay Railway," to acres of land in Kootenay District, subject to the provisions of the said Act and the surrender of this warrant, to receive a Crown grant for acres of land to be acquired in pursuance thereof, and in accordance with the land laws of the Province.

If this warrant is not used prior to the day of , 1895, the same is void.

Dated at Victoria, B.C., this day of , 18 .

A. B.,

Chief Commissioner of Lands and Works.

CHAPTER 23.

An Act to enable the Trustees of the Royal Columbian Hospital to sell the Land now comprising the Site of the Royal Columbian Hospital, and for other Purposes.

[6th April, 1889.]

WHEREAS, by a deed poll dated sixteenth March, 1864, a piece Preamble.
of land, described in Schedule A hereto, was granted by George Morison to the Registrar-General, Chief Commissioner of Lands and Works, and the Treasurer of British Columbia, and their successors in office for the time being, upon trust (as is therein mentioned) for the Royal Columbian Hospital; and whereas the lots mentioned in Schedule B hereto were, in 1862, reserved by the Crown for the use of the Royal Columbian Hospital; and whereas the lots mentioned in the Schedules A and B hereto comprise the present site of the Royal Columbian Hospital; and whereas it is deemed expedient to sell the said site, with the buildings thereon, and to obtain other land in a more suitable situation, and to erect a new hospital thereon, to be known as the "Royal Columbian Hospital"; and whereas the lands described in Schedule C hereto are the property of the Crown:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Hon. John Robson, Gordon Edward Corbould, James Cunningham, William H. Keary, James W. Harvey, or the survivor or survivors of them (hereinafter styled "the trustees"), to sell or dispose of the said lands described in the Schedules A and B hereto, or any of them, or any part thereof, by public auction or private contract, in one lot or in several lots, with full power to the trustees to buy in any lot at any auction, and to rescind or vary any contract for sale, and to resell the land so bought in or comprised in any such contract without being answerable for any difference or loss thereby occasioned, and to convey the said lands, or any part or parts thereof, in fee-simple to the purchaser or purchasers thereof, freed and discharged from each and all the trusts affecting the same; and the receipt of the said trustees shall be an effectual and absolute discharge to the purchaser or purchasers of the said lands, or any part or parts thereof, from the purchase-money payable by him or them respectively, and shall exonerate him or them from seeing to the application of such purchase-money, and from all liability as to the misapplication or non-application thereof.

Trustees appointed
for sale of the Royal
Columbian Hospital
site.

Proceeds of sale to
be applied in erec-
tion of new hospital.

2. The said trustees shall appropriate and employ the net proceeds of any and every such sale of the lands in the Schedules A and B hereto in and towards the erection, upon the lands described in Schedule C hereto, of a new hospital and other buildings, if required, in connection therewith.

Grant of Crown
lands for site of new
hospital.

3. It shall be lawful for the Lieutenant-Governor in Council to grant, upon such conditions and trusts as he shall think fit, to the trustees for the time being of the Royal Columbian Hospital, all and singular those pieces or parcels of lands in the City of New Westminster described in Schedule C hereto.

SCHEDULE A.

All and singular that certain parcel or tract of land and premises situate, lying, and being in the City of New Westminster, and more particularly known and described as Lot Number Sixteen (16), Block Thirty-one (XXXI.), as shown on the official map of the said City of New Westminster.

SCHEDULE B.

All and singular those certain parcels or tracts of land and premises situate, lying, and being in the City of New Westminster, and more particularly known and described as Lots numbered Thirteen (13), Fourteen (14), Fifteen (15), Seventeen (17), and Eighteen (18), of Block Thirty-one (XXXI.), as shown on the official map of the said City of New Westminster.

SCHEDULE C.

All and singular those certain parcels or tracts of land and premises situate, lying, and being in New Westminster District, and more particularly known and described as Suburban Lots Eight (8), Nine (9), Thirty-five (35), Thirty-six (36), Thirty-seven (37), and Thirty-eight (38), of Block Six (VI.), of New Westminster District.

CHAPTER 24.

An Act to authorize and facilitate the Sale of the Site of the Royal Hospital, with the Buildings thereon.

[6th April, 1889.]

WHEREAS the lots known and numbered on the official map of Preamble. Spring Ridge as Sections 24, 25, 26, and 27, Spring Ridge, in the City of Victoria, form the site of the Royal Hospital in the said city, and are held for public purposes:

And whereas it has been deemed expedient to sell and dispose of the said lots, and appropriate the proceeds thereof to the erection and construction of another hospital to be called "The Provincial Royal Jubilee Hospital":

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for William Moore Chudley, James Fell, Trustees appointed for sale of site of Royal Hospital, Victoria.
Alexander Wilson, Joshua Davies, J. Stuart Yates, E. A. McQuade, David MacEwen Eberts, or the survivor or survivors of them (hereinafter styled "the trustees"), to sell or dispose of the said lands hereinbefore described, or any of them, or any part thereof, by public auction or public tender, in one lot or in several lots, with full power to the trustees to buy in any lot at any auction, and to rescind or vary any contract for sale, and to resell the land so bought in or comprised in any such contract without being answerable for any difference or loss thereby occasioned, and to convey the said lands, or any part or parts thereof, in fee-simple to the purchaser or purchasers thereof, freed and discharged from each and all the trusts affecting the same; and the receipt of the said trustees shall be an effectual and absolute discharge to the purchaser or purchasers of the said lands, or any part or parts thereof, from the purchase-money payable by him or them respectively, and shall exonerate him or them from seeing to the application of such purchase-money, and from all liability as to the misapplication or non-application thereof: Provided, however, that the powers herein conferred shall not authorize the sale of those portions of the said sections which comprise twenty feet in depth along the southerly line of each of the said sections, and which said portions now form part of the public thoroughfare known as Pandora Street South: Provided also that nothing in this Act contained shall in anywise prejudice or affect any subsisting mortgage upon Section 24.

Road allowance reserved.

2. The said trustees shall pay over the net proceeds of such sale or sales, as and when the same shall arise, into the Bank of British Proceeds to be paid to Provincial Royal Jubilee Hospital account.

Columbia at Victoria, to the credit of the Provincial Royal Jubilee Hospital in account with the said bank; and every certificate given by the said bank of such payments as aforesaid having been deposited shall be a valid and sufficient discharge, for all purposes, to the person or persons paying in the same, for the amounts so paid in.

CHAPTER 30.

An Act to incorporate the Anglican Synod of the Diocese of British Columbia.

[6th April, 1889.]

Preamble.

WHEREAS a petition has been presented from the Bishop and the Synod of the Diocese of British Columbia, such Diocese consisting of Vancouver Island and other islands adjacent, praying that the Synod should be incorporated, and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation of Anglican Synod, etc.

1. The Synod of the Diocese of British Columbia shall be and the same is hereby made and constituted a body politic and corporate under the name of "The Anglican Synod of the Diocese of British Columbia" (hereinafter called "the Corporation").

Members of the Synod.

2. The said Corporation shall consist of the Bishop of the said Diocese and his successors, to be from time to time appointed in such manner as is or shall be provided by the said Synod, or the Provincial Synod of the Ecclesiastical Province hereafter to be formed, and of such other persons as are or may become members thereof, according to the constitution of the said Diocesan Synod as the same exists at the time of the passing of this Act (which constitution is set forth in Schedule A of this Act), or as the said constitution may from time to time be altered by the said Provincial Synod, or by the said Diocesan Synod, acting with the powers vested in it by the Provincial Synod aforesaid.

Powers of the Synod.

3. Such Corporation shall have perpetual succession and a common seal, with power to change, alter, break, and renew the same when and so often as they shall think proper, and the said Corporation may, under the same name, contract and be contracted

with, sue and be sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Corporation shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess, and retain all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property which have been or hereafter shall be paid, given, granted, appropriated, devised, or bequeathed to it, or purchased by it, in any manner or way whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical, and educational uses and purposes, within the Province of British Columbia, of the Church of England, including thereby the uses and purposes of any parish, mission, institution, school, or hospital connected with the Church of England in British Columbia.

May acquire, etc.,
land and other
property.

4. The Corporation shall, in addition to the powers conferred upon it by the next preceding section of this Act, and subject to the provisions thereof, have power to sell, convey, exchange, alienate, mortgage, lease, or demise any lands, tenements, and hereditaments held by the said Corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding section of this Act or not; and the Corporation may also from time to time invest all or any of its funds and moneys, and all or any funds and personal property which may be vested in or acquired by the Corporation for eleemosynary, ecclesiastical, or educational purposes aforesaid, in and upon any mortgage security of lands, tenements, and hereditaments, and in other securities in any part or parts of British Columbia; and for the purposes of such investment may take, receive, and accept a mortgage or mortgages, or any assignment or assignments thereof, whether such mortgage or assignment be made and executed directly to it in its own corporate name, or to some other corporation or body politic and corporate, or to some company or person or persons in trust for it, and shall have and enjoy the same, and as large, full, and ample powers and rights of sale and foreclosure, action, and suit upon and for the purpose of enforcing the covenants, stipulations, conditions, and agreements, and all matters and things contained in such mortgages, or any of them, and in as ample a manner, as if it were a private person able and capable in law; and furthermore may sell, grant, assign, and transfer such mortgages, or any of them, to any person, company, or body capable of receiving any assignment thereof, and may release and discharge such mortgages, or any of them, either wholly or partly.

Power to sell, mort-
gage, and lease
lands.

Investment of
moneys on mortgage,
etc.

5. The said Corporation shall, in the case of land held by it, be able to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion not exceeding one acre in extent for the purpose of a school, hospital, or other necessary public object.

Power to make
road allowances.

Bishop of British Columbia may convey trust properties to the Synod.

6. It shall be lawful for the Corporation of the Bishop of British Columbia, or any other corporation, or any person or persons, to transfer any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Corporation, to be held in trust for the same purposes.

How powers of the Synod are to be exercised.

7. The said Corporation may exercise all its power by and through the executive committee as established by the constitution aforesaid, or such other boards or committees as the said Corporation may from time to time appoint by resolution for the management of all or any of the affairs or property of the said Corporation, but in accordance only with the trusts relating to any property to which any special trust is attached; the said Synod may also appoint a treasurer or treasurers, and make such regulations for the management and administration of its property as it shall see fit. The Corporation shall also have the right of appointing any officer or other needful agent or agents for the management of its affairs, and shall have all other rights necessarily incident to a body corporate.

Appointment of officers.

Interpretation.

8. The terms "the Church of England," or "the Church of England in British Columbia," in all deeds, instruments, and documents that have been heretofore or that may hereafter be executed, dealing with real or personal property within the Province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments, or documents, that portion of the Church of England within the Province of British Columbia.

Execution by Synod of deeds granting lands.

9. Any conveyance of real estate, or any interest therein, vested in the Corporation shall be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the Corporation, verified by the signatures of the Bishop for the time being of the Diocese of British Columbia, or his commissary duly appointed, and the secretary of the aforesaid executive committee; and a discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectively executed.

Construction of this Act with other Acts referring to the Church of England.

10. In all Acts of the Legislature of this Province heretofore passed relating in any way to the Church of England, or to any of the ecclesiastical or educational institutions in any way connected herewith, and in all deeds, documents, and other writings heretofore executed where reference is made to the Diocesan Synod of British Columbia, either in direct terms or by implication, or to any officers or committees thereof, the same shall hereafter be construed as if the Corporation hereby incorporated, and the committees and officers

thereof, were the body and the committee and officers referred to in such Act, deed, documents, or writings, instead of such Synod, committees, and officers.

11. Any conveyance of real estate, or any interest therein, vested in the Corporation of the Bishop of British Columbia shall hereafter be deemed to be duly executed for that purpose if the same has affixed thereto the seal of the Corporation of the Bishop of British Columbia, verified by the signature of the Bishop for the time being of the Diocese of British Columbia, or his commissary duly appointed, and discharge of a mortgage, if executed in the same way, shall be deemed to be properly and effectually executed.

As to execution of deeds of land by the Bishop of British Columbia.

12. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Repeal of inconsistent Acts.

13. Nothing in this or any other Act contained shall be construed as implying that the Imperial Statute 9 George the Second, cap. 36, has any force or effect in British Columbia.

Mortmain Acts do not apply.

SCHEDULE A.

CONSTITUTION OF THE SYNOD.

I.

The Synod shall consist of the Bishop of the Diocese, the clergy duly licensed by the Bishop, and of lay representatives to be duly elected as hereinafter provided.

II.

The lay representatives shall be male communicants of at least one year's standing, and of the age of twenty-one years and upwards. They shall present to the Secretary of the Synod a certificate of their election, signed by the Chairman of the meeting at which they were appointed, according to the following form:—

"I hereby certify that at a meeting of the electors of Church [or District] held on the day of , the following persons, communicants of the church, were duly elected as lay representatives in Synod, and that there are entered on the roll of electors persons entitled to vote at this election.

"Dated the day of .
.....
"Chairman."

And that the Chairman shall also forward to the Clerical Secretary of the Synod, immediately after the election, a certificate of election in the same form.

III.

The lay representatives shall be elected every three years at a meeting to be summoned by the Minister in charge, or in case the church be vacant, or the Minister be absent or unable or refuse to summon such meeting, then by the Churchwardens or either of them; and such meeting shall be held in each parish or mission in Easter week, or within twenty-one days thereafter, and

the representatives shall continue in office until others are elected: Provided, nevertheless, that if no election be held within the time aforesaid, then it shall be lawful for five qualified electors to call such meeting at such time and place as they think proper.

IV.

In case of a vacancy occurring in the representation of any parish or mission, by death, resignation, or refusal to act, and if any lay representative, elected as aforesaid, shall decline to serve as such, or shall at any time resign his office, signifying the same in writing to the Incumbent, or shall remove from the diocese, the said office shall in any such case become vacant, and the Incumbent or other person or persons, as in the previous article provided for, shall proceed to call a new election; moreover, should any lay representative secede from the Church, or wilfully abstain from the Holy Communion for the space of one whole year, or wilfully absent himself from public worship for a space of six months, or should he be convicted of any crime, he shall thereupon forfeit his said office, and the Incumbent or Minister of the parish or mission for which he was a lay representative shall in like manner proceed to call a new election as in the previous article is provided for.

V.

The Minister shall preside at every such meeting, but if he be unable or refuse to preside, or if there be no Minister, the electors may appoint a Chairman and proceed to the election.

VI.

Public notice of every such meeting, whether ordinary or special, shall be given on two Sundays immediately preceding such meeting, and by notice affixed to the door of each church at least ten days before the day of such meeting, or by either of such modes, specifying the time and place of meeting.

VII.

All male persons of the age of twenty-one years and upwards, being accustomed members of that church within the district for which the election is held, shall be entitled to vote for lay representatives, provided that before any person shall be entitled to vote he shall make and subscribe the following declaration:—

“I, A. B., declare that I am a member of the Church of England, or Anglican Church, in British Columbia, and belong to no other religious denomination; and I am an accustomed member of the congregation of _____ Church.”

VIII.

Every parish or mission in future shall be entitled to elect two representatives, but when the number of electors in a church or district shall exceed twenty they shall be entitled to elect four representatives, and when the number of electors shall exceed fifty they shall be entitled to elect six representatives; and the Chairman of the meeting at which they are elected shall certify the number of electors on the electoral roll of such church or district, and that the said church or district is entitled to elect two or more representatives, as the case may be.

IX.

The quorum for the transaction of any business in the Synod shall consist of not less than one-fourth of the whole number of qualified Clergymen of the Diocese and a like proportion of lay representatives, whose election shall have been certified to by the Secretary of the Synod, but any less number shall have power to adjourn from day to day until a quorum can be obtained.

X.

All questions before the said Synod shall, in the first instance, be determined by a vote of the majority of the members of the Synod present, but the Bishop.

or any two members of the Synod, may, after such vote shall have been taken, require the vote to be retaken by orders, in which case such vote shall be retaken by orders; and the concurrence of the Bishop and a majority of the Clergy and of a majority of the Laity shall be essential to give validity to any act or resolution upon which such vote shall have been taken.

XI.

The Synod shall meet once in every two years, or oftener if required on a summons from the Bishop of the Diocese, and at such time and place as the Synod shall direct.

XII.

The Bishop may, or in case of his absence or of a vacancy in the See, the Dean, or in his absence or non-compliance, the Senior Archdeacon, or in his absence or non-compliance, the Archdeacon next in seniority, or if there be no Archdeacon, then the Bishop's Commissary at the time such vacancy or absence shall occur, or if there be no such Commissary, then any three Clergymen, being members of the Synod, shall, on written requisition from three clerical and five lay members of the Synod, call a special meeting on any occasion, at such time or place as he or they, in summoning such meeting, shall direct; and six weeks' notice of the time and place of meeting shall be issued to all persons entitled to a seat thereat, by the Secretary of the Synod, or, in case of his absence, or if the office be vacant, by some person appointed for that purpose by the persons summoning the Synod.

XIII.

Notice of all meetings of the Synod shall be given by the Secretary of the Synod, in writing, to the persons entitled to a seat thereat. A notice, duly addressed and placed in the post-office, shall be sufficient advice.

XIV.

When the Bishop is present he shall preside at all meetings of the Synod, and when he is not present his Commissary specially authorized shall preside; and if the Bishop has not appointed a Commissary, then the Senior Dignitary or Clergyman of the Diocese present shall preside.

XV.

A Secretary shall be chosen by the Laity and one by the Clergy, on the first day of each annual meeting of the Synod, and they shall remain in office during the pleasure of the Synod. It shall be their duty to keep regular minutes of all proceedings of the Synod, and record them in a book provided for that purpose, to preserve all records and papers and other documents, and faithfully to deliver into the hands of their successors all property, books, and papers relating to the concerns of the Synod which may be in their possession.

XVI.

Any proposition for the alteration of this constitution, or of any other of the canons, shall be sent to the Executive Committee, and by them laid before the Synod to be considered at the ensuing meeting, and, if approved by the Bishop and a majority of the members of the Synod, shall lie over to the next meeting of the Synod, and if again approved by the Bishop and a majority consisting of two-thirds of each of the two orders of the Clergy and Laity, it shall be confirmed.

Brockton Point Athletic Club.....	6th April, 1889.
Lumber and Manufacturing Company, Victoria....	6th April, 1889.
New Westminster Incorporation (Amendment)....	6th April, 1889.
Canadian Western Central Railway.....	6th April, 1889.
Columbia and Kootenay Railway.....	6th April, 1889.
New Westminster Southern Railway.....	6th April, 1889.
New Westminster and Vancouver Short Line Rail- way	6th April, 1889.
Vancouver Street Railway	6th April, 1889.
National and Electric Tramway and Lighting Com- pany	6th April, 1889.
Vancouver Incorporation (Amendment)	6th April, 1889.

CHAPTER 41.

An Act to amend the "City of Victoria Official Map Act, 1880."

[6th April, 1889.]

Preamble.

WHEREAS, under and by virtue of an Act passed in the forty-third year of the reign of Her Majesty Queen Victoria, chapter 31, intituled the "City of Victoria Official Map Act, 1880," stone boundaries or monuments were intended to be placed at the governing points and along the central lines of the streets in the said city, such boundaries or monuments to be denoted on the map filed in pursuance of the said Act:

And whereas, by an omission, stone boundaries or monuments were not placed at the governing points in the streets and between the points hereinafter mentioned, that is to say:—

Cadboro Bay Road, from Moss Street to Easterly City Boundary;

Chambers Street, from Queen's Avenue to Pandora Street;

Pembroke Street, from Chambers Street to Fernwood Road;

Chatham Street, from Chambers Street to Fernwood Road;

Pandora Street North, from Chambers Street to Fernwood Road;

Putnam Street, from Chambers Street to Fernwood Road;

Alfred Street, from Chambers Street to Fernwood Road;

Fernwood Road from Cadboro Bay Road to Edmonton Street;

Hillside Avenue, from Douglas Street to Fourth Street;

Bay Street, from Rock Bay Avenue to Fourth Street;

Gorge Road, from Government Street to City Boundary;

Rock Bay Avenue, from Gorge Road to Bay Street;

Bridge Street, from David Street to Work Street;

Turner Street, from David Street to Work Street;

Pleasant Street, from David Street to Work Street;

Ellis Street, from Bridge Street to Rock Bay Avenue;

David Street, from Pleasant Street to Gorge Road;

Henry Street, from Pleasant Street to Government Street:

And whereas in the future similar errors may be found to exist:

And whereas since the passing of the said Act the following new streets have been opened in the said city, namely: Walnut Street, North Road, Ridge Road, Centre Road, Caledonia Avenue, Yates Street Extension, King's Road, First Street, Second Street, Third Street, Fourth Street, South Turner Street, Rithet Sreet, and Young Street:

And whereas it is desirable to rectify said errors and omissions, and correct such of a like nature as may hereafter be found to exist, and plant monuments on governing points in the said new streets:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Corporation of the City of Victoria, under the direction of B. W. Pearse and Joseph D. Pemberton, or such other Commissioners or Commissioner as may be appointed by the said Corporation by resolution in the place and stead of the said B. W. Pearse and Joseph D. Pemberton, or either of them, in the event of the death, resignation, refusal to act, or absence from the Province of the said B. W. Pearse and Joseph D. Pemberton, or either of them, to plant stone monuments, or monuments of other durable material, at the governing points and along the centre lines of the following streets, and between the following points, namely:—

Authorizes stone monuments to be placed at governing points and along centre lines of certain streets.

Cadboro Bay Road, from Moss Street to Easterly City Boundary;

Chambers Street, from Queen's Avenue to Pandora Street;

Pembroke Street, from Chambers Street to Fernwood Road; .

Chatham Street, from Chambers Street to Fernwood Road;

Pandora Street North, from Chambers Street to Fernwood Road;

Putnam Street, from Chambers Street to Fernwood Road;

Alfred Street, from Chambers Street to Fernwood Road;

Fernwood Road, from Cadboro Bay Road to Edmonton Street;

Hillside Avenue, from Douglas Street to Fourth Street;

Bay Street, from Rock Bay Avenue to Fourth Street;

Gorge Road, from Government Street to City Boundary;

Rock Bay Avenue, from Gorge Road to Bay Street;

Bridge Street, from David Street to Work Street;

Turner Street, from David Street to Work Street;
 Pleasant Street, from David Street to John Street;
 Ellis Street, from Bridge Street to Rock Bay Avenue;
 David Street, from Pleasant Street to Gorge Road;
 Henry Street, from Pleasant Street to Government Street;
 Walnut Street, North Road, Ridge Road, Centre Road, Caledonia Avenue, Yates Street Extension, King's Road, First Street, Second Street, Third Street, Fourth Street, South Turner Street, Rithet Street, and Young Street.

Authorizes certain amendments to the Victoria City official map.

2. The said Corporation may, under the superintendence of the said Commissioners, or either of them, or other Commissioner or Commissioners as aforesaid, cause the official map of the said city filed in the Land Registry Office, Victoria, under the provisions of the "City of Victoria Official Map Act, 1880," to be altered by placing on same points denoting the positions of the stone or other monuments placed in the said streets under the authority of this Act.

Amendments to be made within nine months.

3. The said stone or other monuments shall be placed at such governing points and in the centre of said streets as aforesaid, and the said map shall be altered and amended as aforesaid within nine (9) months after the passing of this Act, and at the time of the alteration and amendment of the said map as aforesaid the same shall be signed by the Commissioner or Commissioners as aforesaid.

Map as amended to be conclusive as to boundaries, etc.

4. The said map, after the same shall have been amended as aforesaid, shall be taken as final and conclusive evidence of the boundaries of the streets in which stone or other monuments have been placed in accordance with this Act, and the boundaries of such streets shall thereafter be ascertained and defined in accordance with the said amended map.

Registrar of Titles to permit map to be altered.

5. The Registrar-General of British Columbia shall, during office hours, permit any Commissioner or Commissioners as aforesaid under this Act to have access to the said map, and shall suffer and permit the same to be altered and amended in conformity with this Act.

Provides for rectification of similar errors hereafter discovered.

6. If at any time hereafter similar errors or omissions to those hereinbefore mentioned are discovered, or if the boundaries of the present City of Victoria are extended, or if any new streets are created within the present city limits, it shall be lawful for the said Corporation, in either event, under the direction of the said Commissioners or other Commissioners as aforesaid, to place stone or other monuments at the governing points and along the centre line of any street where it is found an omission to place same has been discovered, and at the governing points and along the centres of any

streets which may be created either within the present limits of said city or included in such extension of same, and to amend the said official map. The placing of such governing points and stone monuments and the amendment of said map to be made in the same manner and by the same persons as are contemplated by this Act.

7. This Act may be cited as the "City of Victoria Official Map Short title. Amendment Act, 1889."

Land Grants for Charitable Purposes.....26th April, 1890.

CHAPTER 40.

An Act in aid of certain Railways.

[26th April, 1890.]

WHEREAS, by an Act of the Legislature of this Province made Preamble.
and passed in the fifty-first year of the present reign; intituled
"An Act to incorporate the Crow's Nest and Kootenay Lake Rail-
way Company," certain persons in the said Act mentioned were
incorporated as a company for the purpose of constructing and
operating a railway, of a gauge of not less than three feet, from
some point at or near the junction of Summit Creek with Michel
Creek, in the Kootenay District; from thence by way of Elk River
to the Upper Kootenay River; thence by way of Cranbrook and
Mooyie Pass and Goat River to a point on the Lower Kootenay River
at or near its junction with Goat River; and by virtue of the said
Act, as amended by another Act of the Legislature of this Province
passed during the present session, it is provided that the Company
shall commence the construction of the work within three years,
and shall complete and equip the same within five years:

And whereas, by another Act of the Legislature of this Province
made and passed in the fifty-second year of the present reign,
chapter 34, intituled "An Act to incorporate the Canadian Western
Central Railway Company," certain persons therein named were
incorporated as a company, with power to lay out, construct,

acquire, equip, maintain, and work a continuous line of railway, with one or more tracks of the gauge of four feet eight and a half inches, from some convenient point near the eastern boundary of the Province of British Columbia; thence by way of Tete Jaune Cache, Cariboo, near Barkerville, Chilcotin, and Bute Inlet, to and connecting with the northernmost terminus of the Esquimalt and Nanaimo Railway; and in and by the said last-mentioned Act it is also provided that the terminal workshops and other structures, works, docks, and equipments suitable for the terminus of the railway shall be erected in the immediate vicinity of the harbour of Victoria or Esquimalt, as may be most convenient for the Company:

And whereas, by another Act of the fifty-second year of the present reign, chapter 20, a subsidy of land, not exceeding twenty thousand acres for each and every mile of railway constructed, was granted to the last-named Company; and it was provided that the actual work of construction should be begun within two years from the first day of November, one thousand eight hundred and eighty-nine:

And whereas, by an Act of the present session, intituled "An Act to incorporate the Ashcroft and Cariboo Railway Company," certain persons therein named were incorporated as a company to lay out, construct, and operate a railway, of a gauge not less than three feet, from a point on the Canadian Pacific Railway near Ashcroft, in the Province of British Columbia, running in a northerly direction to a point at or near Barkerville, in the District of Cariboo, in the Province of British Columbia; and it was provided that the said railway should be commenced within two years and should be completed within five years from the passage of the said Act of incorporation:

And whereas, by an Act of the present session, intituled "An Act to incorporate the Okanagan and Kootenay Railway Company," certain persons therein named were incorporated as a company to lay out, construct, and operate a railway, of a gauge not less than three feet, from a point at or near Sproat's Landing, Kootenay District, British Columbia, running thence in a north-westerly direction, via Lower Arrow Lake through Fire Valley and Cherry Creek, and terminating at a point at or near Vernon, in Yale District, British Columbia; and it was provided that the said railway should be commenced within two years and should be completed within five years from the passage of the said Act of incorporation:

And whereas the Canadian Pacific Railway Company, by an Act of the Parliament of Canada passed in the forty-fourth year of Her Majesty's reign, intituled "An Act respecting the Canadian Pacific Railway," are empowered from time to time to lay out, construct, equip, maintain, and work branch lines of railway from any point or points along their main line of railway to any point or points within the territory of the Dominion; and the said Canadian Pacific Railway Company desire and propose to construct a branch line of

their main line of railway from Farwell, via Nelson, to the Lower Kootenay River, to meet the western terminus of the Crow's Nest Railway:

And whereas the construction and equipment of the hereinbefore-mentioned lines of railway would materially advance the welfare of the Province, and it is expedient to offer inducements for the construction of such lines:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Lieutenant-Governor in Council may grant to the Crow's Nest and Kootenay Lake Railway Company, if the uniform gauge of its railway shall be not less than four feet eight and one-half inches, twenty thousand acres of public land for each one mile of railway completed throughout its entire length, on taking guarantees satisfactory to the Lieutenant-Governor in Council for completion of the remainder of the railroad, the said grant of twenty thousand acres of land per mile to be made to the said Company upon completion of each section of twenty miles of railway constructed; and if the gauge of its railway shall be less than four feet eight and one-half inches, then the Lieutenant-Governor in Council may make a similar grant, not to exceed ten thousand acres of land for each mile of railway constructed.

Grant to Crow's
Nest and Kootenay
Lake Railway Com-
pany.

2. The Lieutenant-Governor in Council may grant to the Ashcroft and Cariboo Railway Company, if the uniform gauge of its railway shall be not less than four feet eight and one-half inches, twenty thousand acres of public land for each one mile of railway completed throughout its entire length, on taking guarantees satisfactory to the Lieutenant-Governor in Council for the completion of the remainder of the railroad, the said grant of twenty thousand acres per mile to be made to the said Company upon completion of each section of twenty miles of railway constructed; and if the gauge of its railway shall be less than four feet eight and one-half inches, then the Lieutenant-Governor in Council may make a similar grant, not to exceed ten thousand acres of land for each mile of railway constructed.

Grant to Ashcroft
and Cariboo Railway
Company.

3. The Lieutenant-Governor in Council may grant to the Okanagan and Kootenay Railway Company, if the uniform gauge of its railway shall be not less than four feet eight and one-half inches, twenty thousand acres of public land for each one mile of railway completed throughout its entire length, on taking guarantees satisfactory to the Lieutenant-Governor in Council for the completion of the remainder of the railroad, the said grant of twenty thousand acres of land per mile to be made to the said Company upon completion of each section of twenty miles of railway constructed; and

Grant to Okanagan
and Kootenay Rail-
way Company.

if the gauge of its railway shall be less than four feet eight and one-half inches, then the Lieutenant-Governor in Council may make a similar grant, not to exceed ten thousand acres of land for each mile of railway constructed.

Grant to Canadian
Pacific Railway
Company.

4. The Lieutenant-Governor in Council may grant to the Canadian Pacific Railway Company, in respect of its branch from Farwell, via Nelson and the Lower Kootenay River, to the western terminus of the Crow's Nest and Kootenay River, if the uniform gauge of its railway shall be not less than four feet eight and one-half inches, twenty thousand acres of public land for each one mile of the branch railway completed throughout the entire length of the said branch, on taking guarantees satisfactory to the Lieutenant-Governor in Council for the completion of the remainder of the railroad, the said grant of twenty-thousand acres of land per mile to be made to the said Company upon completion of each section of twenty miles of railway constructed; and if the gauge of its railway shall be less than four feet eight and one-half inches, then the Lieutenant-Governor in Council may make a similar grant, not to exceed ten thousand acres of land for each mile of railway constructed.

Alternate blocks to
be taken.

5. The land shall be taken in alternate blocks on each side of the line of railway, and each block of land shall have a frontage on the line of railway of twenty miles, so that the land granted by the Government on one side of the line of railway shall be opposite to a like twenty miles of land retained by the Government on the other side of the line of railway, and in all cases, subject however to the provisions of sections 16 and 17 hereof, where the full quantity of twenty thousand acres of land per mile in alternate blocks cannot be had, the Lieutenant-Governor in Council may allow the deficiency to be made up out of other public lands in the same district where the deficiency occurs.

Deficiency, how
made up.

Costs of surveying.

6. In any grant to be made by the Lieutenant-Governor in Council provision shall be made under which costs of surveying the lands to be granted shall be borne by the Company.

No grants to be
made unless certain
provisions complied
with.

7. No grant shall be made to any Company which shall not in all things comply with the provisions, as to time of commencement, contained in its Act of incorporation, and no grant shall be made to the Company in respect of the said branch of the Canadian Pacific Railway from Farwell, via Nelson, to Lower Kootenay River, unless the work of construction be bona fide commenced in fifteen months from the passage of this Act and be thereafter continuously prosecuted and finally completed within three years from the passage of this Act.

Application of cer-
tain sections.

8. Section 13 of this Act shall apply to the Canadian Western Central Railway Company. The following six sections shall severally

apply to the Crow's Nest and Kootenay Lake Railway, the Ashcroft and Cariboo Railway, the Okanagan and Kootenay Railway, and the said branch line of the Canadian Pacific Railway from Farwell to the Lower Kootenay River. [*Amended 1891, c. 34, s. 1.*]

9. Upon the said Company filing with the Chief Commissioner of Lands and Works a map or plan, to the satisfaction of the Lieutenant-Governor in Council, showing the course and direction of the proposed railway and the lands intended to be traversed, there shall be reserved from pre-emption and sale a tract of land extending thirty-two miles on each side of the line of the proposed railway, to be afterwards conveyed in part to the Company, pursuant to this Act: Provided that the work of actual construction of the proposed railway shall begin within six months from the time of the filing of the said map or plan, and shall be continuously prosecuted to completion with reasonable diligence; otherwise the said reservation of public lands shall be void and of none effect.

Reservation of public lands for certain railway companies.

10. The grant of land shall not include any lands held by grant, lease, agreement for sale, or other alienation by the Crown, nor shall it include Indian reserves or settlements, nor military or naval reserves, or lakes, or lands in which any person other than the Crown shall have a vested interest.

Lands not to be included in grant.

11. The lands acquired by the Company shall not be subject to taxation unless and until the same are used by the Company for other than railway purposes, or leased, occupied, sold, or alienated, so long as such lands shall be offered by the Company for sale and settlement upon liberal terms, to the satisfaction of the Lieutenant-Governor in Council, and the capital stock, and all property other than the lands aforesaid, shall be free from Provincial and municipal taxation until the expiration of ten years from the completion of the railway.

Exemptions from taxation.

12. The line of railway shall be operated continuously, to the satisfaction of the Lieutenant-Governor in Council.

Railway to be operated continuously.

13. The Lieutenant-Governor in Council may grant to the Company, upon condition of its complying with its Act of incorporation and with this Act, and upon and subject to such regulations as may be made by Order in Council, the right for twenty-five years from completion of the railway to exact and collect a percentage not exceeding five per cent. over and above working expenses on gold and silver extracted from ores which may be found upon any of the lands granted by the Lieutenant-Governor in Council to the Company; but such percentage shall not apply to mines which may have been acquired before and are held by mining companies or individuals at the time of the filing by the Railroad Company of its map or plan under the "Railway Act," showing the line of the

Lieut.-Governor may grant Company right to collect percentage on ores.

Right not to apply to mines held at a certain time and by certain persons.

proposed railway, nor shall such percentage apply so long as such mines are held by such mining companies or individuals, or their lawful successors in title. [*Repealed, 1891, c. 34, s. 2.*]

14. The provisions of the "British Columbia Railway Act" passed during the present session shall apply to all of the enterprises subsidized by this Act.

All of subsidized enterprises subject to provisions of "Railway Act."

Rights of Canadian Western Central Railway Company under certain Acts not to be affected.

15. (1.) Nothing in this Act shall be construed as affecting or impairing the grants, rights, powers, or privileges conferred upon the Canadian Western Central Railway Company, either by its Act of incorporation or by the Statute passed in the fifty-second year of the present reign, intituled "An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Canadian Western Central Railway Company."

Grant to Canadian Western Central Railway Company.

(2.) Notwithstanding anything to the contrary contained in section 2 of the Statute passed in the fifty-second year of the present reign, intituled "An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Canadian Western Central Railway Company," it shall be lawful for the Lieutenant-Governor in Council to grant to the Canadian Western Central Railway Company blocks of twenty thousand acres of public land per mile upon completion of each section of twenty miles of railway constructed within five years from the passage of this Act.

Crow's Nest and Kootenay Railway.

16. The following provision shall apply only to the Crow's Nest and Kootenay Railway:—

How deficiency in grant to be made up.

2. Wherever along the line of the Crow's Nest and Kootenay Railway the full quantity of twenty thousand acres per mile in alternate blocks cannot be had, the deficiency shall be made up out of a belt of land five miles in width along the east side of Elk River, extending between a point five miles below Morisey Creek and a point twenty-eight miles above Michel Creek, and from a belt two and one-half miles in width on each side of Coal Creek, extending to the summit, and from a belt three miles in width on each side of Michel Creek, and on each side of the east and west branches of said creek to the summit.

Canadian Pacific Railway branch line.

17. The following provision applies only to the branch line of the Canadian Pacific Railway from Farwell to the Lower Kootenay River:—

What blocks company entitled to.

2. In appropriating the alternate blocks of land to be granted in aid of this branch, the Company shall be entitled to the block on each side of the railway which adjoins the southern boundary of the land granted by the Province to the Dominion of Canada in aid of the Canadian Pacific Railway, and after appropriating such block on each side to the Canadian Pacific Railway the method of appropriation provided in section 6 of this Act shall be followed.

18. Nothing in this Act contained shall prejudice the rights of free miners to search for, get, and win the precious metals, and to use timber for mining purposes, subject to the mineral and land laws of the Province and to the provisions of this Act.

Free miners' rights
protected.

19. This Act may be cited as the "Railway Aid Act, 1890."

Short title.

CHAPTER 41.

An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Columbia and Kootenay Railway.

[26th March, 1890.]

WHEREAS an Act has been passed at the present Session of the Legislative Assembly of the Province of British Columbia, incorporating the Columbia and Kootenay Railway and Navigation Company, and enabling them to acquire, build, equip, and maintain a line of steamboats and other vessels for the purpose of carrying freight and passengers to and fro from that point on Kootenay River where the southern boundary-line of British Columbia intersects the said river; thence down the said river to Kootenay Lake, and through and throughout the said lake and its navigable tributaries and outlets; and also to equip and navigate a line of steamers upon the Columbia River to and from the point on the Columbia River where the Columbia and Kootenay Railway terminates to Revelstoke; and construct a railway from the outlet of Kootenay Lake through or by the Selkirk range of mountains to some point on the Columbia River at or near the junction of the Kootenay with the Columbia River in British Columbia:

Preamble.

And whereas it is expedient to grant a certain land subsidy to the said Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Subject to the conditions hereinafter contained, it shall be lawful for the Government of British Columbia to grant to the said Company lands and warrants (in the form in the Schedule hereto) for Crown lands in the Kootenay District, not exceeding in the aggregate two hundred thousand acres, upon condition of their

Land grant to Com-
pany.

commencing and constructing the said railway within the times and according to the terms of their said Act of incorporation, and upon the further condition of the said Company furnishing due security in manner hereinafter mentioned.

Deposit of security
by Company.

2. Forthwith upon the passage of this Act the Company shall deposit in the office of the Provincial Secretary good and sufficient security, to the satisfaction of the Lieutenant-Governor in Council, in the sum of fifty thousand dollars, not as a penalty, but as liquidated and ascertained damages due to Her Majesty in right of the Province of British Columbia, in case of default for the due commencement and construction of the railway according to the said Act of incorporation, and for the equipment of the line of steamers mentioned in clause 15 of the said Act, within one year from the passage of this Act.

When security de-
posited, Lieut.-Gov-
ernor may reserve
blocks of land in
favour of Company.

3. So soon as the said security shall have been deposited, the Lieutenant-Governor in Council may, at the request of the Company, reserve in favour of the Company any blocks of land in Kootenay District, four miles in length by four miles in breadth, that may be designated by the Company, not to exceed two hundred thousand acres.

When Lieut.-Gov-
ernor may reserve
right-of-way through
Crown lands along
line of proposed rail-
way.

4. Subject to the deposit of the said security and compliance with the Act of incorporation, the Lieutenant-Governor in Council may, after the said Company has finally located its line of railway, and has filed a plan of same with the Chief Commissioner of Lands and Works, set apart and reserve a right-of-way through the lands of the Crown along the line of the said proposed railway, from the point of commencement on the outlet of the Kootenay Lake, through the Selkirk Range, to a point on the Columbia at or near the junction of the Kootenay and Columbia Rivers.

When Government
shall grant to Com-
pany lands reserved
under s. 3.

5. Upon completion of the said railway according to the said Act of incorporation and to the satisfaction of the Lieutenant-Governor in Council, and when the line of steamers mentioned in section 15 of the Act of incorporation of the said Company has been duly equipped in accordance with the terms of the Act, the Government shall grant to the Company the lands which may have been reserved under section 3 of this Act, and land warrants for a sufficient number of acres to bring the total amount of the land subsidy up to two hundred thousand acres.

Lands acquired by
Company to be sub-
ject to land laws.

6. The lands to be acquired by the Company shall be selected, surveyed, and held subject to the land laws of the Province.

Land warrants.

7. Every land warrant, except one which may be issued for five thousand four hundred and forty acres, shall be for not less than

ten thousand two hundred and forty acres, and may be transferable to other persons, and shall entitle the holder thereof, upon his complying (except as to payment of purchase-money) with the laws of the Province relative to the purchase of surveyed or unsurveyed land, and upon the surrender of the warrants to the Chief Commissioner of Lands and Works, to receive a Crown grant of the lands applied for, in pursuance of the said warrant and the said land laws.

8. No Crown grant shall issue except for unoccupied, unreserved, and unrecorded Crown lands, not being an Indian settlement or Indian reserve.

Lands for which Crown grant may issue.

9. The surveys necessary for defining the said land shall be at the expense of the Company, and such surveys shall be conducted in accordance with the land laws of the Province.

Surveys at expense of Company, etc.

10. The land warrants issued under this Act shall be in force for one year from the completion of the said railway.

Time land warrants in force.

11. The said Company shall, subject as hereinafter mentioned, receive a grant of—

Grants to be received by Company.

(a.) A right-of-way through the lands of the Crown, ninety-nine feet in width, along the line of the said proposed railway, from the point of commencement, from the outlet of Kootenay Lake, through or by the Selkirk range of mountains, to some point on the Columbia River:

Right-of-way.

(b.) Such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, bridges, culverts, drains, and other works and approaches thereto.

Crown lands.

12. The right-of-way of the Company shall not be subject to Provincial taxation for a period of five years from the passing of this Act, and the lands to be granted to the Company as provided by this Act, and the railway and steamers, and all stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required and used for the construction, equipment, and working of the said line of railway, and the capital stock of the Company, and all personal property owned or possessed by the Company in British Columbia, shall be free from Provincial taxation until the lapse of five years after the completion of the railway.

Taxation of property.

13. Nothing contained in this Act shall be construed to interfere with free miners entering upon and searching for precious metals and acquiring claims in accordance with the mining laws of the Province.

Free miners' rights reserved.

Transfer of land warrants to be registered with Chief Commissioner.

14. In case of any transfer of the said land warrants cited in this Act from one person to another person, such transfer shall be registered with the Chief Commissioner of Lands and Works.

Forfeiture by Company in case of default in building railway, etc.

15. In case of default in commencing or completing the said railway within the respective times and according to the Act of incorporation, the Lieutenant-Governor in Council may declare all right under this Act to be forfeited, and the same shall thereupon ipso facto cease and determine; but such forfeiture shall not impair the right of Her Majesty, in right of the Province of British Columbia, to realize upon the securities mentioned in section 2 of this Act.

Her Majesty may realize upon securities.

Short title.

16. This Act may be cited as the "Columbia and Kootenay Railway Subsidy Act, 1890."

SCHEDULE.

LAND WARRANT.

Transferable.

No.

This is to certify that A. B. (his or their heirs, successors) and assigns is entitled, under the provisions of an Act intituled "An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Columbia and Kootenay Railway," to _____ acres of land in Kootenay District, subject to the provisions of the said Act and the surrender of this warrant, to receive a Crown grant for _____ acres of land to be acquired in pursuance thereof, and in accordance with the land laws of the Province.

If this warrant is not used prior to the _____ day of _____, the same is void.

Dated at Victoria, B.C., this _____ day of _____, 18 _____.

A. B.,

Chief Commissioner of Lands and Works.

CHAPTER 42.

An Act in aid of the Shuswap and Okanagan Railway Company.

[26th March, 1890.]

Preamble.

WHEREAS the Shuswap and Okanagan Railway Company was incorporated under the Statute of the Parliament of Canada, 49 Victoria, chapter 82, as amended by 51 Victoria, chapter 88, for the construction of a railway from some point on the Canadian Pacific Railway in British Columbia at or near Sicamous Narrows, and extending up the Shuswap River and Spallumcheen Valley to

a point on Okanagan Lake, which railway was declared by the Act of incorporation to be for the general advantage of Canada; and by the said Act of incorporation it is provided that the directors of the said Company may, with the approval of the shareholders, issue bonds, bearing such rate of interest as the directors may think proper, under the seal of the Company, not exceeding twenty-five thousand dollars per mile, to be issued in proportion to the length of railway constructed or to be constructed; and it was also provided that no bonds should be issued until at least one hundred and fifty thousand dollars had been subscribed to the capital stock, and ten per centum on the same bona fide paid thereon:

And whereas, by another Act of the Parliament of Canada passed in the fifty-second year of Her Majesty's reign, chapter 3, it was provided that the Governor in Council may grant a subsidy towards the construction of the said railway, not exceeding three thousand two hundred dollars per mile, and not exceeding in the whole one hundred and sixty-three thousand two hundred dollars:

And whereas, by an Act of the Legislature of this Province passed in the fiftieth year of Her Majesty's reign, chapter 26, it was provided that there should be paid out of the consolidated revenue of the Province to the said Shuswap and Okanagan Railway Company, towards the construction by the said Company of a railway of the uniform gauge of the Canadian Pacific Railway, a subsidy not exceeding four thousand dollars per mile, nor exceeding in the whole two hundred thousand dollars:

And whereas the said Company has applied to the Government of British Columbia to give a guarantee of interest upon a sufficient amount of money to complete the enterprise, not exceeding the sum of one million two hundred and fifty thousand dollars, for the term of twenty-five years, at the rate of four per cent. per annum, in lieu of the aforesaid subsidy of two hundred thousand dollars granted by the said Statute 50 Victoria, chapter 26, and has agreed, in consideration of such guarantee, to assign to the Government of British Columbia, and permit the Government of British Columbia to receive for its own use and towards recouping itself any moneys which it may be called upon to pay under the said guarantee, the said subsidy of three thousand two hundred dollars per mile authorized to be granted by the Parliament of Canada; and has also produced to the Government of British Columbia a contract between the said Shuswap and Okanagan Railway Company (therein termed "the Shuswap Company") of the one part, and the Canadian Pacific Railway Company (in the said contract called "the Pacific Company") of the other part, whereby the Pacific Company has agreed to undertake the equipment and running of the said Shuswap and Okanagan Railway for a term of twenty-five years, and to allow to the Shuswap Company an amount equal to forty per cent. of the gross earnings of the said line, a copy of which contract (which is

to be taken and read as if set out in the preamble to this Act) is contained in the Schedule hereinafter written and contained, marked "A":

And whereas it is expedient to grant the guarantee applied for by the said Shuswap and Okanagan Railway Company, upon the conditions hereinafter mentioned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Repeals 50 Vict.,
c. 26, and 51 Vict.,
c. 30.

1. The Acts of the Legislature of this Province passed respectively in the fiftieth and fifty-first years of Her Majesty's reign, chapters 26 and 30 respectively, and respectively entitled "An Act to authorize the Granting of a certain Subsidy for and in aid of the construction of the Shuswap and Okanagan Railway," and "An Act to extend the Provisions of 'An Act to authorize the Granting of a certain Subsidy for and in aid of the Construction of the Shuswap and Okanagan Railway,'" shall be and are hereby repealed.

Company may issue
bonds, and Govern-
ment guarantee pay-
ment of interest on
same on certain cer-
tificate of Chief
Commissioner.

2. As the work of construction on the said railway shall proceed, the Company may issue bonds payable in twenty-five years, bearing interest at the rate of four per cent. per annum, for sufficient moneys from time to time to meet the expenditure upon such construction; and such bonds shall bear coupons for the half-yearly payment of the interest upon such bonds, which coupons, subject to the provisions of section 4 of this Act, shall bear the following endorsement, which endorsement shall be signed by the Minister of Finance, upon the certificate of the Chief Commissioner of Lands and Works, showing that the issuing of the bonds is warranted by the progress of the work:—

Form of guarantee.

"The payment of the interest but not the capital of this bond, at the rate of four per cent. per annum, half-yearly, on the first days of January and July in each year, is undertaken and guaranteed by the Government of the Province of British Columbia for twenty-five years from the day of to the day of , inclusive."

Payment of coupons
to form a lien on
general revenue of
Province.

3. The payment of such coupons shall, after such signature by the Finance Minister, from time to time, when the same shall fall due, be secured and form a lien or charge on the general revenue of the Province of British Columbia, and the Lieutenant-Governor in Council shall issue his warrant to the Minister of Finance, directing him to pay the said coupons from time to time out of any moneys in the Treasury.

Total amount of in-
terest to be guaran-
teed by Government.

4. The total amount of interest to be guaranteed by the Govern-
ment of British Columbia upon the whole of the line of railway shall

neither exceed interest at the rate of four per cent. per annum upon the sum of one million two hundred and fifty thousand dollars, nor the cost of the said Shuswap and Okanagan Railway Company of the said railway enterprise, whichever shall be the smaller sum, and the Minister of Finance may endorse such coupons from time to time, according to the progress of the work, upon the certificate of the Chief Commissioner of Lands and Works; and coupons may also be endorsed upon the like certificate for the cost of rails, plates, and fastenings, the property of the Company, which shall have been brought into the Province, upon security satisfactory to the Lieutenant-Governor in Council that such rails, plates, and fastenings shall be used in the work.

5. Forthwith upon the passing of this Act the Shuswap and Okanagan Railway Company shall assign to the Chief Commissioner of Lands and Works, in trust for Her Majesty in right of this Province, all benefit and advantage to accrue to the said Company under and by virtue of the hereinbefore-recited agreement between the Canadian Pacific Railway Company and the Shuswap and Okanagan Railway Company, and shall do all other matters and things and give all necessary directions for the purpose of authorizing the Minister of Finance of the Province of British Columbia, for and on behalf of Her Majesty, to receive from the Canadian Pacific Railway Company the said amount of gross earnings stipulated under the said agreement to be paid to the Shuswap and Okanagan Railway Company.

Company to assign to Her Majesty all advantages accruing to Company under a certain hereinbefore-recited indenture.

6. The said Shuswap and Okanagan Railway Company shall also do all such other acts and things as may be necessary to enable the Government of British Columbia to receive from the Canadian Government the said subsidy of three thousand two hundred dollars per mile, payable under the provisions of the said Dominion Statute.

Also to enable Government to receive from Canadian Government a certain subsidy.

7. No guarantee shall be given before the completion of the work and acceptance thereof by the Dominion Government, unless and until security satisfactory to the Lieutenant-Governor in Council shall have been given by the Company for the payment by the Company of the interest upon its bonds, issued during construction, which shall accrue during such period of construction, it being the intent and meaning of this Act that the Government of British Columbia shall not be called upon to pay any interest in respect of its guarantee until after it shall have received from the Dominion Government the subsidy of one hundred and sixty-three thousand two hundred dollars provided by the aforesaid Dominion Statutes, and after construction no guarantee shall be issued until the work shall have been accepted by the Dominion Government and the said subsidy of three thousand two hundred dollars per mile shall have been received by the Province.

Satisfactory security for certain purpose to be given by Company before Government give guarantee prior to completion of work, and after completion no guarantee to issue until work accepted and Province has received subsidy.

Work of construction to be under supervision of Chief Commissioner.

8. The work of construction from time to time shall be under the supervision of the Chief Commissioner of Lands and Works, who shall be at liberty to appoint an engineer from time to time, and the cost and expenses of such supervision shall be borne by the Shuswap and Okanagan Railway Company.

Certain excess to be paid by Government to directors.

9. In case at any time the moneys to be received by the Government from the Canadian Pacific Railway in respect of the gross earnings as provided for in the said agreement shall exceed the amount which the Government may have been called upon to pay under its guarantee, and shall also exceed an amount equal to its guarantee for the next ensuing two years, the Government shall pay any such excess over to the directors of the Shuswap and Okanagan Railway Company.

All moneys paid by Government on guarantee to constitute a debt due from Company, and to be a first charge on certain moneys due Company.

10. (1.) All moneys paid by the Provincial Government of British Columbia in respect of the guarantee hereby authorized shall constitute a debt due from the Shuswap and Okanagan Railway Company to the Government, and shall be a first charge upon all moneys due to the Company under the said agreement with the Pacific Railway Company, and upon all moneys received or to be received by the Government in respect of such agreement or in respect of the Dominion Government subsidy, and (subject to the provisions of section 9 of this Act) the Government may retain and use as part of the revenue of the Province all moneys received by them, either from the Dominion Government in respect of the said subsidy or from the Canadian Pacific Railway in respect of the said agreement, so long as any liability shall subsist under the guarantee, and may from time to time and at all times recoup themselves out of such moneys any payments made by them under their guarantee.

Said moneys to be a second charge upon tolls and property of Company.

(2.) All moneys paid by the Provincial Government in respect of the guarantee hereby authorized shall, without registration or formal conveyance, be taken and considered to be a claim and charge upon the undertaking and the tolls and property of the Shuswap and Okanagan Railway Company, real and personal, then existing and at any time thereafter acquired, second and subject only to the charge given in favour of the bondholders under the Act of incorporation of the said Shuswap and Okanagan Railway Company, and, subject to the rights of the bondholders under the said Act, the Finance Minister for the time being of the Province, in right of the Provincial Government, shall be held and deemed to be a mortgagee or encumbrancer upon the said property of the said Shuswap and Okanagan Railway Company, second only to the bondholders.

Until agreement in Schedule made valid, no guarantee to be given unless Company gives certain security.

11. No guarantee under this Act shall be given before the agreement set out in the Schedule hereto shall have become binding by an Act of Parliament of Canada making it valid as provided by section

26 of the agreement unless security satisfactory to the Lieutenant-Governor in Council shall be given to indemnify the Province against their guarantee, until the said agreement shall be validated in manner aforesaid.

12. This Act may be cited for all purposes as the "Shuswap Short title. Railway Guarantee Act, 1890."

SCHEDULE A.

THIS INDENTURE, made the twenty-fifth day of March, A.D. 1890,

Between,

THE SHUSWAP AND OKANAGAN RAILWAY COMPANY (hereinafter called
"the Shuswap Company") of the one part;

and

THE CANADIAN PACIFIC RAILWAY COMPANY (hereinafter called "the
Pacific Company") of the other part.

Whereas the Shuswap Company was incorporated by an Act of the Parliament of Canada passed in the forty-ninth year of the reign of Her Majesty Queen Victoria, with authority to lay out and construct a railway from a point on the Canadian Pacific Railway at Sicamous Narrows, and running thence up the left bank of the Shuswap River, and continuing in the same general direction to a point on Okanagan Lake near the north end of the lake; and the said Shuswap Company intends to proceed with the early construction of the said railway, which whole railway is hereinafter referred to as "the projected railway":

And whereas a subsidy has been granted to the said railway by the Parliament of Canada, and another by the Legislature of the Province of British Columbia:

And whereas an arrangement has been agreed upon with the Government of the Province of British Columbia whereby, in lieu of the said two subsidies, the said Government will guarantee the interest at the rate of four per cent. per annum for twenty-five years upon bonds of the Shuswap Company, not exceeding in the aggregate the sum of one million two hundred and fifty thousand dollars:

And whereas the said Government requires, before giving such guarantee, a satisfactory contract between the parties hereto for the operation of the said railway, when built, for a period not less than the term of the Government's guarantee, and on the other conditions as hereinafter set forth:

And whereas it is desirable to express in writing the terms of the proposed lease and agreement for the operation of the said railway:

Now, this Indenture witnesseth that the Shuswap Company covenants with the Pacific Company and its assigns as follows, that is to say:—

1. The Shuswap Company will acquire in fee-simple, or with as absolute a title as the "Railway Act" permits to be obtained by expropriation, the lands for right-of-way and stations, and all other lands necessary for the railway and appurtenances to be by it constructed as hereinafter mentioned; and will (except as to rolling-stock, tools, and furniture) construct thereon and complete the projected railway, that is to say, a railway from a point on the Canadian Pacific Railway at Sicamous Narrows, and running thence up the left bank of Shuswap River, and continuing in the same general direction to a

point on Okanagan Lake near the north end of the lake, according to the specifications hereto attached, these being substantially the same as those prescribed by the Government of Canada in respect to the said subsidy to the Shuswap Company's railway, such completion to be established by certificate as herein-after mentioned, and when so completed and ready in all respects to meet the requirements of traffic thereon, except rolling-stock, tools, and furniture, then the Shuswap Company will, by an indenture of lease under seal, demise and set over the same and all the lands, properties, and appurtenances connected or intended to be used therewith, and the powers, privileges, and franchises of the Shuswap Company in respect thereof, to the Pacific Company and its assigns, for a term of twenty-five years, at the rent and on the terms herein-after specified, which period of twenty-five years is hereinafter referred to as "the said term," and the said lease shall contain covenants on the part of the Shuswap Company to the following effect, namely:—

2. During the said term the Pacific Company may exercise all the franchises and powers of the Shuswap Company in respect of the running of the said railway, and of every part thereof, and also in respect of the acquisition of increased areas of land for station-grounds, right-of-way, protection against snow, sidings, and other purposes, and may take such legal proceedings as are deemed to be necessary or expedient in the exercise of the said franchises and powers, or any of them; and for that purpose may use the name of the Shuswap Company, and of the officers thereof, which officers are hereby authorized and required, upon the demand of the Pacific Company, to append their signatures and to affix the seal of the Shuswap Company to any document which may be useful in the exercise of any such franchise.

3. The Shuswap Company will, at the request of the Pacific Company, affix the name and seal of the Shuswap Company and do all acts, matters, and things as and when the same may be necessary for the convenient, efficient, and effectual working of the said railway, and for the carrying-out and giving effect to the lease to be made as aforesaid; and the Pacific Company may, during the said term, make and enforce such lawful rules, regulations, and by-laws touching or concerning the running and operation of the said railway as shall be required for the efficient and advantageous administration, management, and operation thereof, and for the preservation of order thereon, and may fix and regulate from time to time and amend and alter the tariff of rates and tolls to be exacted for the carriage of freight and passengers over the said line; and if the Pacific Company shall deem it expedient that such by-laws, rules and regulations, or tariff, or any of them, should be made by the Shuswap Company, then the shareholders, Board of Directors, and officials of the Shuswap Company shall make such by-laws, rules, regulations, and do all such matters and things to complete and perfect the same as shall reasonably be required of them, but such by-laws, rules and regulations, and such tariff, by whomsoever made and passed, shall be subject to the provisions of any Act or Acts of the Dominion Parliament applicable to the said railway; and the Shuswap Company will allow the Pacific Company to use the name of the Shuswap Company in any suit or proceeding in which it will be necessary to use the same in connection with the working of the railway, but all costs, damages, and expenses which may arise from the use of the name of the Shuswap Company shall be borne and paid by the Pacific Company.

4. The Pacific Company, paying the rent and observing the provisions of the said lease and all covenants on their part to be fulfilled, shall have peaceable and undisturbed possession of the railway and the properties, rights, and franchises to be demised as aforesaid during the said twenty-five years without any lawful interruption by the Shuswap Company or any other person or persons whomsoever.

5. And the Pacific Company covenants with the Shuswap Company and its assigns as follows, that is to say:—

6. Upon the acquisition, construction, and completion as aforesaid of "the projected railway," the Pacific Company will join in executing the said lease thereof, and will take over the same, and will, during the said term, operate and work the same regularly and sufficiently as part of the Canadian Pacific Railway system, and will at its own expense for the said term find all necessary means, men, rolling-stock, tools, furniture, appliances, and labour; and the said lease shall contain covenants on the part of the Pacific Company to the following effect, namely:—

7. During the said term the Pacific Company will pay the Shuswap Company, quarterly, by way of rent, a sum equal to forty per cent. of the amount actually received by it as gross earnings from such railway and appurtenances, without any deduction whatsoever on account of operating expenses, taxes, or any other outlay which the Pacific Company is to bear under the terms of this Indenture, except as is hereinafter provided for.

8. During the said term the Pacific Company will keep the said railway and all buildings, properties, and appurtenances connected therewith in good repair, order, and condition, except in so far as the same may be deteriorated by age and reasonable wear and tear, and will during the said term pay all taxes, assessments, and impositions which may become payable either by landlord or tenant in respect of the said railway or the traffic over it, including any tax which may be levied by the Provincial Government.

9. During the said term the Pacific Company will render to the Shuswap Company, quarterly, just and true accounts and statements in writing of the said earnings, and will allow proper inspection of all books, accounts, returns, and vouchers for the purpose of checking and verifying the same or any of them; such quarterly accounts to be rendered not later than the last days of January, April, July, and October in each year for the quarter-year ending on the last day of the month previous; such accounts to show the gross earnings of the said railway under the following heads: "Passengers," "Freight," "Mail," and "Sundries," the last-named term to cover everything not included under the other three headings; and the Shuswap Company shall have the right from time to time to employ an auditor to investigate the accuracy of the said statements or accounts, and the Pacific Company shall from time to time afford all proper facilities for such investigation. And the Pacific Company shall pay forty per cent. of the said gross earnings when the quarterly statements or accounts are rendered as aforesaid; but the acceptance of any such payment before an audit or verification shall not prejudice the rights of the Shuswap Company to an audit or verification, or to demand and collect such further sum (if any) as it shall be justly entitled to.

10. The Pacific Company will, during the said term, provide and run over the said railway duly equipped trains for the carriage of passengers and freight as frequently as shall be necessary for the traffic of the country through which the said railway is constructed; and except during the period of a strike (if any occur) amongst employees of the Pacific Company, and unless some accident prevent it, the Pacific Company will run during summer months at least one train carrying passengers each way on every business-day; and during the rest of the year at least one such train one way on every business-day; and generally will operate and work the said railway so as to secure therefor as much traffic as is possible within such limit of expenditure as would be adopted by any well-managed railway company working the same entirely on its own account.

11. The words "gross earnings" herein mean the amount actually received for all tolls, rates, charges, and other payments for the carriage of any passenger, animal, vehicle, goods, merchandise, matter, or things conveyed on the said railway or any part thereof, together with the pro rata mileage proportion of the joint earnings on all traffic interchanged between the said railway and that of the Pacific Company, or in respect of the exercise by any

other railway of running-powers over the said railway so to be leased as aforesaid, without any deduction whatsoever.

12. The Pacific Company will protect the Shuswap Company against any loss, damage, or claim that may arise in working the said railway under the said lease, and shall do and perform all the acts, conditions, matters, and things which the Shuswap Company are bound by their charter to do and perform in respect of the said railway and of the Government of Canada.

13. The Pacific Company shall bear and pay all expenses incurred in doing and performing all such acts, matters, and things as are now or may hereafter be required for the maintenance and operation of the said railway in conformity with the laws of the Dominion of Canada.

14. At the expiration or other determination of the said twenty-five years, the Pacific Company will yield up the said railway and other immovable property to the Shuswap Company in as good general plight and condition as the same were at the commencement of the said lease, save and except the natural deterioration thereof by age and wear and tear.

15. And the parties hereto mutually agree each with the other that the said lease shall contain mutual agreements and clauses to the following effect, namely:—

16. In case any dispute shall arise as to the correctness of statements or accounts of earnings to be from time to time rendered by the Pacific Company as aforesaid, the same shall from time to time be referred to the final arbitration and decision of an accountant to be agreed upon by the parties, in writing, or failing such agreement to be nominated, upon application of either party, by the Auditor-General of the Dominion of Canada, one week's notice of such application being first given to the other party.

17. And any such notice may be given by serving the same on the president, vice-president, secretary, or treasurer of either of the parties hereto, or by registered letter addressed to its head office.

18. In the event of the non-payment of the rental reserved by the said lease for the space of sixty days after any instalment thereof shall fall due according to the terms hereof, or in the event of substantial failure to maintain, work, operate, or repair the said railway for the space of sixty days, continually, after written demand, the said Pacific Company shall be liable to pay, and hereby covenants to pay, to the Shuswap Company the sum of fifty dollars per day as liquidated damages for every day during which the said rent shall remain unpaid, and fifty dollars as liquidated damages for every day during which the Pacific Company shall fail to work and operate the said railway according to the true intent and meaning of the said lease.

19. In the event of the non-payment of any one quarter-year's rent under such lease, it shall be lawful for the Shuswap Company to distrain for the amount due for the next preceding quarter-year, or for the amount of the last quarterly account rendered, and such amount shown as due shall be considered to be fixed and ascertained rents for the purpose of enabling the Shuswap Company to distrain the same if necessary.

20. During the said term the Pacific Company shall not transfer or set over, or otherwise by any act or deed procure, the said railway or the said premises so to be demised as aforesaid, or the said lease or any part thereof to be assigned, transferred, set over, or subject to any person or persons whatsoever, or to any corporation whatsoever, without the consent in writing of the Shuswap Company, or its assigns, first had and obtained.

21. Provided always, and it is hereby expressly agreed, that if the rent thereby reserved or payable thereunder, or any part thereof, shall be unpaid and shall remain for thirty days after notice in writing of such default shall be given to the Pacific Company, although no formal demand shall have been made thereof, or in case of the breach or non-performance of any of the covenants or agreements therein contained on the part of the Pacific Company,

and the continuance of such breach after thirty days' notice thereof in writing, then and in either of such cases it shall be lawful for the Shuswap Company, or its assigns, to annul and set aside said intended lease, and to declare the same to be forfeited and at an end, and to enter into possession of the said railway and of all other premises thereby demised, and to have again, repossess, and enjoy the same as of its former estate, anything herein contained to the contrary notwithstanding.

22. The projected railway shall be deemed to be acquired, constructed, and completed within the meaning of these presents as soon as the Dominion Government engineer shall have certified in writing that the Shuswap Company has acquired, constructed, and completed the same so as to be entitled to the Dominion subsidy in respect thereof, and the chief engineer of the Pacific Company, or some other engineer appointed by it for that purpose, shall have also certified in writing that it has been acquired, constructed, and completed according to the terms of this Indenture and the said specifications attached hereto. And if any dispute arise between the parties to this Indenture respecting the propriety of the said chief engineer, or other engineer of the Pacific Company so certifying, it shall be finally settled by an award of any two of three arbitrators, to be chosen as follows: Each one of the parties shall choose one arbitrator, and a third shall be appointed by the two so chosen; but if the two fail to choose a third within one month after the last of the two is appointed, then, on application to any Judge of the Supreme Court of British Columbia by either party, such Judge may appoint the third arbitrator; the said award to be given in writing within three months after the appointment of such third arbitrator. And if the arbitrators decide that the Shuswap Company is entitled to a certificate more favourable than any given by the said chief engineer, or other engineer of the Pacific Company, then the parties' rights shall stand as if he had given the certificate which the arbitrators may decide he ought to have given.

23. Section 14 of the said specifications shall be held to include sufficient roundhouse accommodation, together with the necessary turntable, sidings, Y's, and coaling facilities at the place of junction with the Pacific Company at Sicamous Narrows; and suitable station buildings and sidings at intervals of about eight miles from the said junction to the terminus of the line, or at such other points as may be approved by the Pacific Company; also water-tanks, with pumps and fixtures complete, of the Canadian Pacific standard, connected with a good and sufficient water-supply at intervals of about sixteen miles from the said junction, and a station building, a roundhouse with stalls for four engines, a turntable at least fifty-five feet in length, all the connecting tracks, and at least five thousand feet of side-tracks, together with a water-tank and fixtures connected with a suitable and sufficient water-supply, and such coal-shed or other facilities as are ordinarily provided at a divisional point at the terminus, all to be constructed according to plans to be approved by the Canadian Pacific Railway.

24. Throughout this Indenture the mention of either party is intended to include also the assignee or assignees of such party.

25. It is further understood and agreed that the freight and passenger rates to be charged by the Pacific Company on the projected railway shall not exceed the local rates for similar distances on the contiguous section of the main line in British Columbia.

26. This Indenture to be binding on the said parties as soon as any Act of the Parliament of Canada shall make it valid, and shall authorize the respective parties to do whatever may be required to give effect to it.

27. Notwithstanding anything contained in clauses 7 and 8, if the aggregate of the taxes payable at any time or times to the Provincial Government, and all local municipalities and other organizations, when taken together in respect of the demised properties and the operations of the said railway, exceed what

would be payable in respect of the same if the assessment and taxation were made substantially on the same principle as that now enforced by law in Ontario, then the excess shall be borne by the Shuswap Company; and if paid in the first instance by the Pacific Company, it may be deducted from any rent which shall mature thereafter.

In witness whereof the parties hereto have hereunto affixed their corporate seals, and the signatures of the proper officers, the day and year first above written.

Signed, sealed, and delivered in
the presence of—

THE CANADIAN PACIFIC RAILWAY
COMPANY.

W. C. VAN HORNE,
President.

C. W. DRINKWATER,
Secretary.

[SEAL.]

CHAPTER 44.

An Act to enable the Trustees of the Royal Columbian Hospital to sell certain Lands, and to provide for the Appropriation of the Proceeds thereof.

[26th April, 1890.]

Preamble.

WHEREAS, under an Act passed by the Legislature of British Columbia in the fifty-second year of Her Majesty's reign, intituled "An Act to enable the Trustees of the Royal Columbian Hospital to sell the Land now comprising the Site of the Royal Columbian Hospital, and for other purposes," the Lieutenant-Governor in Council was authorized to grant to the trustees therein named all and singular those pieces or parcels of land in the City of New Westminster described in Schedule C of the said recited Act, which said lands and premises were intended as and for a site for an hospital to be known as the "Royal Columbian Hospital":

And whereas the said lands are not conveniently situated for the purposes of an hospital:

And whereas it is desirable that the lands mentioned in Schedule C of the hereinbefore-recited Act should be sold, and the proceeds arising from such sale and of every sale of the lands described in Schedules A and B of the said hereinbefore-recited Act applied in or towards the purchase of another piece of land and appurtenances as and for the site of the said Royal Columbian Hospital, and support and maintenance of the same:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the persons named in the said recited Act, and therein and hereinafter styled “the trustees,” to sell or dispose of the said lands mentioned in Schedule C of the said Act, or any of them, by public auction or private contract, in one lot or several lots, with full power to the said trustees to buy in any lot at any auction, and to rescind or vary any contract for sale, and to resell the land so bought in or comprised in any such contract without being answerable for any difference or loss thereby occasioned, and to convey the said lands, or any part or parts thereof, in fee-simple to the purchaser or purchasers thereof, freed and discharged from each and all the trusts affecting the same; and the receipt of the said trustees shall be an effectual and absolute discharge to the purchaser or purchasers of the said lands, or any part or parts thereof, from the purchase-money payable by him or them respectively, and shall exonerate him or them from seeing to the application of such purchase-money, and from all liability as to the misapplication or non-application thereof.

Gives power to trustees to sell certain lands.

2. The said trustees, their successors and assigns, shall stand possessed of all moneys arising from any and every such sale or sales of the lands mentioned in Schedule C and of the lands mentioned in Schedules A and B of the said recited Act, upon trust, to apply the proceeds of such sale or sales in or towards the purchase of another piece of land in the said City of New Westminster, and the erection and maintenance thereon of the hospital to be known as the “Royal Columbian Hospital.”

Application of proceeds.

British Columbia Electric Company	26th April, 1890.
New Westminster Electric Light Company	26th April, 1890.
Vancouver Street Railways Company and Vancouver Electric Illuminating Company	26th April, 1890.
National Electric Tramway and Lighting Company	26th April, 1890.
London and Canadian Fire Insurance Company	26th April, 1890.
Pacific Coast Fire Insurance Company	26th April, 1890.
Hill's Bar Gold Mining Company	26th April, 1890.
British Columbia Jockey Club	26th April, 1890.
Victoria Lumber and Manufacturing Company (Amendment)	26th April, 1890.

British Columbia Mills, Timber, and Trading Company	26th April, 1890.
News-Advertiser Company	26th April, 1890.
Ashcroft and Cariboo Railway Company	26th April, 1890.
Columbia and Carbonate Mountain Railway Company	26th April, 1890.
Columbia and Kootenay Railway and Navigation Company	26th March, 1890.
Crow's Nest and Kootenay Lake Railway (Amendment)	26th April, 1890.
Okanagan and Kootenay Railway Company	26th April, 1890.
Westminster Street Railway Company	26th April, 1890.
Nanaimo Telephone Company	26th April, 1890.
Westminster and Vancouver Tramway Company	26th April, 1890.
Vancouver Incorporation (Amendment)	26th April, 1890.

CHAPTER 69.

An Act to amend the "Coquitlam Waterworks Act, 1886."

[26th April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Repeals s. 26.

1. Section 26 of the said Act is hereby repealed, and the following substituted in lieu thereof:—

"In case the said waterworks shall not have been constructed and be in operation within the City of Vancouver on or before the sixth day of April, 1890, the rights and privileges conferred by this Act, in so far as the same extend to the construction of works of water-supply within the limits of the City of Vancouver, but so far only, shall cease and determine."

Short title.

2. This Act may be cited for all purposes as the "Coquitlam Waterworks Amendment Act, 1890."

CHAPTER 22.

An Act to provide Seven hundred thousand Pounds for consolidating the Public Debt, and for other Purposes.

[20th April, 1891.]

WHEREAS it is expedient to provide funds by loan for the consolidation of the existing debt of the Province and for public purposes:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council for the time being of the Province from time to time to issue and sell inscribed or registered stock, to be called "British Columbia Stock," for a sum not exceeding in the whole seven hundred thousand pounds in such amounts as he may deem expedient. Issue of "British Columbia Stock."
2. All stock sold pursuant to this Act shall bear interest at a rate not exceeding three pounds ten shillings per centum per annum, to be fixed at the time of sale and to be paid half-yearly. The principal of such stock shall be paid at a date to be fixed at the time of sale, not being less than twenty-five nor more than fifty years after the time of sale. Both principal and interest shall be payable in London. Interest, where payable.
3. All moneys raised under this Act shall be paid, in such manner as the Lieutenant-Governor in Council shall prescribe, to the Minister of Finance, and shall by him be placed to the credit of an account to be called the "Loan Act, 1891, Account," to be applied, in such amounts and in such manner as the Lieutenant-Governor in Council may from time to time authorize and direct, in redeeming the debentures issued under the "British Columbia Loan Act, 1877," and the "British Columbia Loan Act, 1887," and towards the public purposes of the Province, but no greater sum than two hundred and fifty thousand pounds shall be applied otherwise than in redemption of the said debentures so issued as aforesaid under the said Loan Acts of 1877 and 1887 respectively; and all moneys to be raised under this Act shall be accounted for in the same manner as if they formed part of the current revenue of the Province. "Loan Act, 1891, Account."
4. The Minister of Finance shall, and he is hereby required to do so, in each and every half-year from the first raising of any sums of money under authority hereof, until the whole amount so raised and all interest thereon shall have been duly paid, set apart out of the consolidated revenues of the Province such sum as shall suffice to pay the interest upon all stock which shall then bear interest, and shall apply such sum in payment of such interest aforesaid. Interest to be paid out of the consolidated revenue.

Sinking fund.

5. The Lieutenant-Governor in Council may from time to time, by Order in Council to be made before the issue and sale of any stock to be named in any such Order in Council, provide for the payment of such stock by authorizing and directing the Minister of Finance to appropriate yearly such sums of money out of the general revenue of the Province as may be named in any such Order in Council, and as may be deemed by the Lieutenant-Governor in Council to be necessary for the creation and maintenance of a sinking fund for the final payment of such stock, and may by the same Order in Council make such provisions as may be deemed requisite for the investment from time to time of the amount of any such sinking fund and the accumulation thereof.

Short title.

6. This Act may be cited for all purposes as the "British Columbia Loan Act, 1891," and shall be incorporated and read as one with the "Inscribed Stock Act, 1891."

CHAPTER 24.

An Act to amend the "Act respecting the Union of certain Methodist Churches in Canada."

[20th April, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The said Act is hereby amended by striking out the whole of section 6 thereof.

CHAPTER 30.

An Act respecting the Corporation of New Westminster.

[20th April, 1891.]

WHEREAS the Corporation of New Westminster has without due authority let contracts and expended large sums of money for the construction of waterworks; for electric plant and machinery, as well for lighting the city and suburbs as for supplying light to the inhabitants of the said city and suburbs; for a steam-ferry between New Westminster and the Municipality of Surrey, and ferry landings, pontoons, and other things for the operation of the ferry; and for the erection of a building for a public library and other purposes: And whereas it is expedient to make provisions in reference thereto:

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The term "Corporation," wherever used in this Act, means the Municipality of the Corporation of the City of New Westminster, and wherever the term "works" is used in this Act such term shall include all the works, matters, and things hereinbefore recited.

Meaning of "Corporation," and "works."

2. All moneys heretofore expended by or under the authority of the Council of the Corporation for or on account of or with reference to the works shall be and shall be held to have been valid, and it shall be lawful for the Corporation to pay all the moneys owing and accruing up to the seventeenth of April, 1891, in respect of the works, exclusive of the steam-ferry and private electric lighting.

Validates the expenditure of certain moneys.

3. The Corporation shall make compensation to all persons whose property or interests are or have been in anywise injuriously affected in consequence of anything done or suffered to or by any persons or their property or interests by the reason of the carrying-out of the works, and the amount of such compensation shall be arrived at according to the provisions of the "Municipal Act" in respect to arbitration.

Compensation for injury caused by the works.

4. The Corporation may make by-laws for the conduct of the public library, including the renting and leasing of the stores in the library building.

Power to make by-laws respecting a public library.

5. Notwithstanding anything contained in this Act, the Corporation shall have full power and authority to sell, dispose of, and convey the steam-ferry and the electric-light plant, including the

Power to sell ferry and electric-light plant.

power-house and site thereof; and after the sale has been ratified by the ratepayers, the respective purchasers shall have full power to operate and carry on the same respectively.

Short title.

6. This Act may be cited as the "New Westminster Enabling Act, 1891."

CHAPTER 34.

An Act to amend the "Railway Aid Act, 1890."

[20th April, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Amends s. 8.

1. Section 8 of the said Act is hereby amended by repealing all the words down to and including "Company" on line two, and by striking out the word "six" in the said line two, and substituting therefor the word "five."

Repeal of percent-
age on ores.

2. Section 13 of the said Act is hereby repealed.

Short title.

3. This Act may be cited as the "Railway Aid Act Amendment Act, 1891."

CHAPTER 36.

An Act to amend the "Columbia and Kootenay Railway Subsidy Act, 1890."

[20th April, 1891.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Amends s. 3.

1. Section 3 of the "Columbia and Kootenay Railway Subsidy Act, 1890" (hereinafter styled "the principal Act"), is hereby amended by striking out the words "four miles in length by four miles in breadth" in the fourth line thereof, and by adding to the section the following subsection:—

Area of each block
of land.

"(a.) Every such block of land as aforesaid shall, except as hereinafter mentioned, contain an area of not less than

two miles square, and the shore-line of any lake or stream may be taken as a boundary-line for one or more sides of any such blocks, and when so taken the area of any such blocks may be less than the aforesaid area; but when a block of less than two miles square is obtained under the provisions of this subsection, the block shall be considered as containing the full quantity of two miles square for the purpose of making up the total area of two hundred thousand acres to which the Company is entitled under the provisions of the principal Act."

2. In all cases except as to lands surrounding and within three miles of the townsite of Nelson, and as to lands surrounding and within three miles of the terminus of the railway on the Columbia River, the blocks to be reserved must be exclusive of and may not include any lands which may have been purchased or pre-empted before the passage of this Act; but in the cases of the land so surrounding the townsite of Nelson and the said terminus of the Columbia River, the area may include such purchased or pre-empted lands for the purpose only of ascertaining the extent of any block so surrounding the said townsite or terminus as aforesaid; and in any such case where purchased or pre-empted lands are included for the purpose of making up the area, the block shall be deemed to be a block of two miles square, and the Company shall not be entitled to any additional allowance for the lands which have been so purchased or pre-empted.

Except in certain cases, pre-empted lands may be included in the block.

3. Section 6 of the principal Act is hereby repealed, and in lieu thereof the following shall be substituted:—

Repeals s. 6.

"6. The lands so to be granted to the Company shall be granted subject to the reservations provided by Form No. 7, as contained in the Schedule to the 'Land Act,' as amended by section 11 of the 'Land Act Amendment Act, 1891,' and subject to the right of free miners as defined by the Mineral and Placer Mining Acts respectively."

Lands to be granted subject to reservations in "Land Act," and to right of free miners.

4. The Company shall, within one year after the passing of this Act, select the lands which they require, and the same shall, where practicable, be surveyed in accordance with the land laws of the Province: Provided always that it shall be lawful for the Lieutenant-Governor in Council to extend the time for such selection to a further period not exceeding one year.

Lands to be selected within one year.

5. Section 7 of the principal Act is hereby repealed, and in lieu thereof the following shall be substituted:—

Repeals s. 7.

"7. Every land warrant except one, which may be for three hundred and twenty acres, shall be for not less than two thousand five hundred and sixty acres, and every land warrant may be transferable

Extent of land warrant.

to other persons, and shall entitle the holder thereof, upon surrender of the warrant to the Chief Commissioner of Lands and Works, to receive a Crown grant of the lands applied for by virtue of such warrant."

6. Section 11 of the principal Act is hereby amended by adding immediately after subsection (b) the following subsections, viz.:—

Government reserve
of townsite of
Nelson.

"(c.) Such portion of the Government reserve of the townsite of Nelson, viz., Lot 95, Group 1, adjacent to and between the portion sold and the lake-shore, as shall equal the area which has already been sold by the Government:

Ditto.

"(d.) One-half of the remainder of the said reserve to be selected in alternate blocks of equal size: Provided always that one-half the expense of the surveys and maps of the afore-said lands in the townsite of Nelson shall be borne and paid by the Company."

Meaning of "Kootenay District."

7. The words "Kootenay District," wherever appearing in the said Act, shall mean and include the West Kootenay Electoral District and the East Kootenay Electoral District, as defined by the "Constitution Amendment Act, 1890."

Cancellation of
reserves.

8. The Lieutenant-Governor may by Order in Council from time to time cancel the reserve of all or any of the blocks of land heretofore reserved under the principal Act, and may make other reserves under the said Act as amended by this Act, but the Order in Council providing for the cancellation of the reserves shall not take effect until published for three months in the British Columbia Gazette.

When Act shall come
into operation.

9. This Act shall not come into operation until a day to be fixed by order of the Lieutenant-Governor in Council, notice of which shall be published in the British Columbia Gazette.

Short title.

10. This Act may be cited as the "Columbia and Kootenay Railway Act Amendment Act, 1891."

CHAPTER 37.

An Act to amend the Act intituled “ An Act in aid of the Shuswap and Okanagan Railway Company.”

[*20th April, 1891.*]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Section 2 of the said recited Act is hereby amended by substituting the word “ bonds ” for the word “ coupons ” in the sixth line of the said section. S. 2 amended.

2. Section 4 of the said Act is hereby amended by striking out the word “ coupons ” in the sixth and eighth lines of the said section, and by substituting in each case the word “ bonds.” S. 4 amended.

3. The signature of the Minister of Finance may be affixed to the coupons for the interest on the bonds in the said recited Act referred to, by a printed facsimile. Signature may be printed facsimile.

4. Notwithstanding anything in the said Act contained, the total amount of the said bonds which have been made and executed by the said Company, to the amount of two hundred and fifty-five thousand pounds sterling, may, at the request and with the consent of the said Company, be sold and issued, with the authority and consent of the Minister of Finance, on such terms and at such price and at such time as the Company approve of: Provided always that the purchase-money and proceeds of the said bonds shall be paid to and retained by the Government of the Province of British Columbia, in the place and stead of the said bonds, until the Company become entitled to receive the same on the certificate of the Chief Commissioner of Lands and Works from time to time as provided by the said recited Act. Authorizes sale of bonds.

5. This Act may be cited as the “ Shuswap and Okanagan Railway Guarantee Amendment Act, 1891.” Short title.

Royal Hospital, confirming Sale	20th April, 1891.
Nicola, Kamloops, and Similkameen Coal and Rail- way Company	20th April, 1891.
British Columbia Dyking and Improvement Com- pany	20th April, 1891.
Okanagan Land and Development Company	20th April, 1891.
Upper Columbia Navigation Company	20th April, 1891.
Order of the Oblates of Mary Immaculate	20th April, 1891.
Ashcroft and Cariboo Railway (Amendment)	20th April, 1891.
Burrard Inlet Railway Company	20th April, 1891.
Burrard Inlet and Fraser Valley Railway Com- pany	20th April, 1891.
Chilliwack Railway Company	20th April, 1891.
Crow's Nest and Kootenay Railway (Amendment) ..	20th April, 1891.
Liverpool and Canoe Pass Railway Company	20th April, 1891.
Nelson and Fort Sheppard Railway Company	20th April, 1891.
Nicola Valley Railway Company	20th April, 1891.
Vancouver and Lulu Island Railway Company	20th April, 1891.
Vancouver and Lulu Island Electrical Railway Company	20th April, 1891.
Vancouver, Northern, and Peace River Railway Company	20th April, 1891.
Vernon and Okanagan Railway Company	20th April, 1891.
Victoria and North American Railway Company ..	20th April, 1891.
Kootenay Lake Telephone Company	20th April, 1891.
New Westminster and Burrard Inlet Telephone Company (Amendment)	20th April, 1891.
Vernon and Nelson Telephone Company	20th April, 1891.
Hot Springs and Goat River Tramway Company ..	20th April, 1891.
Nanaimo Electric Tramway Company	20th April, 1891.
Toad Mountain and Nelson Tramway Company ..	20th April, 1891.
Westminster and Vancouver Tramway Company ..	20th April, 1891.
Vancouver Incorporation (Amendment)	20th April, 1891.
Vancouver Waterworks (Amendment)	20th April, 1891.

A.D. 1892.

Cowichan and Salt Spring Island Agriculture Sub- sidy	23rd April, 1892.
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CHAPTER 14.

An Act to authorize an Agreement with Her Majesty's Government for the Settling of Fishermen and Others in British Columbia.

[8th April, 1892.]

WHEREAS a scheme has been suggested for transferring families of fishermen and others (hereinafter termed "colonists") from the United Kingdom and settling them upon the sea-coast and islands of British Columbia; and whereas an offer has been made by Her Majesty's Government to advance a sum of one hundred and fifty thousand pounds to the Province in furtherance of such settlement; and whereas an association has been formed in England having for its object the conducting of negotiations with the Province and the conclusion of a provisional agreement with the Province, which shall allow of and induce the formation of a company in England for the purposes, among other things, of assisting in the settlement of colonists upon the coasts of British Columbia, and the establishment of fisheries and contingent interests:

And whereas it is advisable that the Government of British Columbia should be authorized to conclude an agreement with Her Majesty's Government for the transfer of not more than twelve hundred and fifty families of colonists from the United Kingdom to British Columbia, upon the conditions hereinafter contained and upon such other terms as may be concluded between the Lieutenant-Governor in Council of this Province and Her Majesty's Government:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council to make such arrangements with Her Majesty's Government as may be deemed advisable for bringing families of colonists from the United Kingdom to British Columbia, not to exceed twelve hundred and fifty families, and for the settling of such colonists upon lands of the Province, subject always to a condition for termination at any time should it appear to Her Majesty's Government or to the Government of British Columbia that the measure of success attending the scheme has not been adequate, and that it is therefore desirable to abandon the further carrying-out of the same.

Lieut.-Governor may make arrangements for transfer of 1,250 families of fishermen from United Kingdom to British Columbia.

2. It shall be lawful for the Lieutenant-Governor in Council to accept from Her Majesty's Government a loan of one hundred and fifty thousand pounds in three instalments, each of fifty thousand

Loan in instalments may be accepted from Her Majesty's Government in furtherance of scheme.

pounds, the first instalment being payable upon the concluding of the terms of the said agreement, the second instalment to be payable when the first instalment has been expended in settling such number of families as it will provide for, and the third instalment to be advanced when the second instalment has been so expended.

Issuing of debentures, and repayment of loan.

3. It shall be lawful for the Lieutenant-Governor in Council to pledge the credit of the Province by issuing debentures or in such other manner as may be agreed between the contracting parties, and to provide by Order in Council for the repayment of the sums to be advanced under the authority of this Act, together with interest at the rate of three per centum per annum: Provided that the time for the repayment of each instalment of the loan shall commence at the termination of five years from the date of the advance, and that the interest accruing during such five years shall be added in each year to the principal of the loan, which with the interest so accruing during the said period of five years shall be repayable by equal instalments extending over a period of twenty-five years from the date at which in each case repayment begins; and it shall further be lawful for the Lieutenant-Governor in Council to provide for the repayment to Her Majesty's Government of any unexpended balance in the hands of the Province of British Columbia, should it at any time be decided to be desirable to abandon the further carrying-out of the scheme of settlement, together with accrued interest at the rate of three per cent. per annum upon any such unexpended balance.

Arrangements for carrying out scheme to be made as determined by Order in Council.

4. It shall be lawful for the Lieutenant-Governor in Council to enter into such arrangements and to make such engagements with Her Majesty's Government for the purpose of carrying out the scheme and object of this Act as may from time to time be determined by Order in Council; and it shall also be lawful for the Lieutenant-Governor in Council from time to time hereafter to make and pass all such Orders in Council and regulations as may be deemed to be necessary for the carrying into effect of the provisions of this Act, and of any agreement to be made hereunder.

Short title.

5. This Act may be cited as the "Colonization Act, 1892."

CHAPTER 15.

An Act to encourage the Deep-sea Fisheries of British Columbia.

[8th April, 1892.]

WHEREAS an Act is intended to be passed at the present session of the Legislature of the Province of British Columbia authorizing the Government to make an agreement with Her Majesty's Government relative to the transferring colonies of fishermen and others (therein and hereinafter called "colonists") with their families from the United Kingdom, and locating them in the Province of British Columbia:

And whereas it is necessary for the proper carrying-out of the objects of such Act that a commercial company should be formed for the purpose of assisting the settlement of such colonists upon the sea-coasts and furnishing them suitable employment, for providing facilities for marketing the product of their labours, and for adopting such measures as will further the development of the deep-sea fisheries, secure the establishment of contingent industries, and promote the colonization of the Province:

And whereas a company has been incorporated in England under the name of the "Vancouver Island Development Syndicate, Limited," having for its objects the conducting of negotiations with the Province of British Columbia, and the conclusion of a provisional agreement with the said Province, which shall allow of and induce the formation of a Company in England, under the "Joint-stock Companies Act, 1862," and amending Acts, for the purposes, among other things, of assisting the settling of such colonists upon the coasts of the Province, and the establishment of fisheries and contingent interests:

And whereas it is desirable that the Government should be authorized to enter into such provisional agreement with the Vancouver Island Development Syndicate, Limited, and should be also authorized to make and conclude arrangements with the intended company, when formed, for assisting the settlement and welfare of the colonists, and should be further authorized to make a grant of public lands in aid of such settlement:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council to enter into an agreement with the Vancouver Island Development Syndicate, Limited, under which the said syndicate shall undertake the formation of a company of such character and with such cor-

Lieut.-Governor may enter into agreement with Vancouver Island Development Syndicate, Limited.

porate objects as are requisite in a company which would completely carry out the purposes and attain the ends of this Act, in consideration of which undertaking the Lieutenant-Governor in Council may engage to enter into an agreement with such company, when formed, for the carrying-out of the provisions and intent of this Act.

Formation of Company to co-operate with Provincial Government in settling colonists.

2. Upon the formation, under the "Companies Act, 1862," and amending Acts, of a Company in England with a capital of not less than one million pounds sterling (hereinafter called "the Company"), whose corporate objects shall include co-operation with the Government of this Province in settling the colonists upon the coasts of this Province, furnishing suitable employment for such colonists, providing them with boats, tackle, and appliances for fishing purposes, and providing facilities for the marketing of the product of the labours of the colonists, and for the adoption of such measures as will further the development of the deep-sea fisheries of British Columbia and the establishment of contingent industries therein, and subject to the Company depositing to the credit of the Government of British Columbia the sum of one hundred thousand dollars in the Bank of British Columbia, or in some other chartered bank in the Province to be named by the Lieutenant-Governor in Council, as a guarantee that the Company will carry out any agreement to be made with the Lieutenant-Governor in Council for the bringing of colonists to the Province and settling them on the sea-coasts and islands thereof, suitable to the provisions of the "Colonization Act, 1892," and for enabling the colonists to commence and prosecute fishing industries in the Province, the establishing of trading-stations and settlements, and the general well-being of the colonists, it shall be lawful for the Lieutenant-Governor in Council to enter into an agreement with the Company to carry into effect the purposes for which such guarantee shall be given, and for the permanent establishment of fishing and other industries in the Province, and for the grant to the Company of public lands, not exceeding five hundred thousand acres, to be granted to the Company from time to time upon such terms and conditions as will secure the appropriation thereof of suitable locations for the colonists and the carrying-out of this Act. Such locations for the colonists to be selected by a representative of the Provincial Government and a representative of the Company.

Deposit to be made by Company.

Agreement for land grant to Company.

Selection of locations.

Refund of deposit.

3. So soon as the Company shall satisfy the Lieutenant-Governor in Council that they have expended in the Province a sum not less than one hundred thousand dollars in permanent improvements, and in buildings, machinery, plant, and other things needful for enabling colonists to commence and prosecute fishing industries in the Province, and upon the Company furnishing to the satisfaction of the Lieutenant-Governor in Council such other security as may be provided by any agreement to be made under sections 1 and 2 of

this Act for the further carrying-out of the terms of any such agreement, then the said deposit of one hundred thousand dollars, with any accrued interest thereon, shall be forthwith refunded to the Company.

4. It shall be lawful for the Lieutenant-Governor of British Columbia in Council, subject to the conditions of this Act and to the terms of any agreement to be made hereunder, to grant to the Company such of the public lands of the Province, not exceeding five hundred thousand acres, as may from time to time be selected by the Company out of the areas embraced in Schedule A to this Act.

Lieut.-Governor may grant lands to Company.

5. The areas embraced in Schedule A to this Act may be from time to time reserved by the Lieutenant-Governor in Council until the lands intended to be acquired by the Company shall have been selected as hereinafter provided, and for such further time as the Lieutenant-Governor in Council may deem to be necessary for the earning of the same by the Company under the provisions of this Act.

Areas which may be reserved for Company.

6. The date of the formation of the Company shall be not later than the thirty-first day of December, 1892, or such other date not beyond the thirty-first day of December, 1893, as the Lieutenant-Governor may name.

Company to be formed before 31st December, 1892.

7. The surveys necessary for defining the lands to be set apart for the Company shall be made at the expense of the Company, and such surveys shall be conducted in accordance with the land laws of the Province, and shall be completed to the satisfaction of the Chief Commissioner of Lands and Works for the time being, and plans thereof from time to time filed in the Land Office, together with field-notes.

Surveys at expense of Company and how conducted.

8. The Company shall complete the surveys within three years from its formation, and shall during the first year after its formation survey not less than one hundred thousand acres.

Time limit within which surveys to be made.

9. After such surveys have been made the Company shall select such lands as they require, and such selection shall be made not later than six months from the completion of the surveys, and notice thereof given in writing to the Chief Commissioner of Lands and Works for the Province, or within such further time as may be fixed by the Lieutenant-Governor in Council.

Selection of lands after surveys.

10. The lands to be granted to the Company shall not be subject to taxation until the expiration of ten years from the date of their selection by the Company, or until alienated, whichever event may soonest happen; and the personal property of the Company shall not be subject to taxation for the period of two years from the date of the formation of the Company.

Exemption from taxation of Company's property.

Lieut.-Governor may make rules, etc., and enter into contracts for purpose of carrying out object of this Act and scheme of colonization.

11. The Lieutenant-Governor in Council may from time to time pass all such Orders in Council, and make all such rules and regulations, and enter into all such agreements and contracts as may from time to time be deemed necessary for the purpose of carrying out the object of this Act and the scheme of colonization and settlement provided for by this Act and by the said "Colonization Act, 1892."

Short title.

12. This Act may be cited as the "Deep-sea Fisheries Act, 1892."

SCHEDULE A.

PORT SAN JUAN.

The area within the limits marked on Government plan as far east as the eastern boundary-line of Sections 4, 9, and 16, in Township 10, bounded on the south by the northern limit of Township 12, and on the north-west and south-west by the red-line limit of Government plan.

The area on Admiralty Chart within latitude $48^{\circ} 35'$ and west longitude $124^{\circ} 24'$ from the westerly limits of Government plan, including coast-line between these parallels.

BARCLAY SOUND AND CLAYOQUOT SOUND.

The area embracing the Cape Beale Peninsula, from Palchena Bay to the existing Bamfield Creek allotments.

The lands situated between latitude $48^{\circ} 51' 20''$ and latitude $48^{\circ} 54' 30''$, bounded on the east by longitude $124^{\circ} 55'$, and bounded on the west by the seaboard.

The lands within the triangle on the east side of Alberni Canal, between latitude $49^{\circ} 4' 30''$ and the boundary-line of the land grant of the Esquimalt and Nanaimo Railway Company.

Copper Island, Robber Island, and the Deer Islands Group.

Village Island, with Gibraltar, Nettle, and Puzzle Island Group.

Valley at the head of Uchucklesit Harbour, four miles long by two miles wide, and running in a north-westerly direction.

The lands embraced in the coast-line from the entrance to Pipestem Inlet to a point in Tofino Inlet on latitude $49^{\circ} 6' 40''$ and longitude $125^{\circ} 44' 20''$; thence by a straight line to a point on latitude $48^{\circ} 56' 30''$ and longitude $125^{\circ} 30'$; thence following the foot-hills in a north-easterly direction to the point of commencement.

Vargas Island.

Flores Island.

ESPERANZA INLET AND NOOTKA SOUND.

The land south of latitude $49^{\circ} 30'$, and lying between the sea-coast and Sydney Inlet, including Hesquiat Harbour.

The land on Machalat Arm extending one mile on each side of Gold River and six miles upward from its mouth.

The promontory comprising Port Langford as far east as a line drawn through on $126^{\circ} 53'$ west longitude.

The land lying between Port Elliza and round the coast to the head of Deep Inlet, including Catala Island.

QUATSINO TO ESPERANZA, INCLUDING KYUQUOT SOUND.

The land on river at head of Tahshish Arm, one mile on each side and extending ten miles inland from its mouth.

Union Island and Table Island.

A strip of coast-line one mile wide, commencing with Bunsby Islands around the shore of On On Kinch and Naspate Inlets south-westwards to a point near Bankes Reef.

GOLETAS CHANNEL TO QUATSINO SOUND.

The unallotted portions of Townships 30 and 39, and West Half of 28; Township 41, 42, 43, 44, 35, 34, 23, and 22, with the Cox, Lanz, Galiano, Balaclava, Hirst, and Gordon Group of Islands.

JOHNSTONE AND BROUGHTON STRAITS.

Malcolm Island.

The lands on the mainland of Vancouver Island from and including Beaver Cove, two miles back from seaboard, and north-west to head of Hardy Bay.

CAPE CAUTION TO PORT SIMPSON.

Gribbel Island, and the peninsula formed by drawing a line from Fishermen's Cove to the head of Triumph Bay.

The portion of the Tsimpsean Peninsula lying between the Indian reserve on the west and the shore of Work Channel on the east, and between latitude $54^{\circ} 25'$ and latitude $54^{\circ} 30'$.

Middle and South Dundas Islands.

QUEEN CHARLOTTE ISLANDS.

The portion of Graham Island between Masset Inlet and the west coast, lying north of latitude $53^{\circ} 40'$ and between west longitude $132^{\circ} 15'$ and the east coast of Graham Island, bounded on the north by latitude $53^{\circ} 40'$. The portion of Moresby Island, and its adjacent islands as far south as latitude $52^{\circ} 39'$, including Lyall Island and the southern extremity of Moresby Island as far north as latitude $52^{\circ} 17'$.

CHAPTER 36.

An Act respecting the Canadian Western Central Railway Company and the Canadian Northern Railway Company.

[23rd April, 1892.]

WHEREAS the Canadian Western Central Railway Company Preamble. was incorporated by special Act of the Legislature of this Province, passed in the fifty-second year of Her Majesty's reign, and chaptered 34, and assented to on the sixth April, 1889, by section 37 of which Act it was provided that the work of construction of the railway in the said Act mentioned should be commenced within three

years from the passage thereof, and should be prosecuted by the expenditure of a sum of not less than two hundred thousand dollars per year, and the whole work should be completed within eight years from such commencement, and that in case default should be made in any of the conditions of the said section the provisions of the said Act should be void and of no effect:

And whereas, by another Act passed in the same year of Her Majesty's reign, chaptered 20, a conditional grant of land was authorized to be made in favour of the said Company, and by section 11 of the said last-mentioned Act it was provided that the actual work of construction must be begun within two years from the first day of November, 1889, or that the rights and privileges conferred by the Act now in recital should cease and determine:

And whereas, by the "Railway Aid Act, 1890," the Lieutenant-Governor in Council is authorized to grant to the said Company blocks of twenty thousand acres of public land per mile upon completion of each section of twenty miles of railway constructed within five years from the passage of such Act:

And whereas, by an Act of the present session of the Legislature, cited as the "Canadian Northern Railway Act," a Company was incorporated, under the name of the "Canadian Northern Railway Company," for, among other things, the construction and operation of a railway between the same points as those defined in the special Act firstly hereinbefore recited:

And whereas the first-mentioned Company has expressed its intention of prosecuting surveys upon the projected line of railroad during the present year, and of expending in the prosecution of such surveys a sum of not less than fifty thousand dollars, provided the corporate existence of the Company be continued, and the opportunity to commence construction be extended for another year:

And whereas for encouraging the commencement and construction of the said railroad it is advisable to confer upon the Government the power of reviving the corporate existence of the said Company, and also to limit the time for the commencement and completion of the said road, and to continue and further define the conditions of the land grant heretofore authorized to be made to the said Company; and it is also advisable that upon the failure of the last-mentioned Company in complying with the conditions of obtaining from the Government the extension hereby authorized, then that the Lieutenant-Governor in Council be authorized to make a conditional grant of land in favour of the said Canadian Northern Railway Company:

And whereas it would be conducive to the welfare of the Province that the Company undertaking the construction of a line of railway between the points designated in the Acts of incorporation of each of the above-mentioned Company should also undertake the construction of a branch line of railway from its main line on Vancouver

Island to a convenient point at the northern end of Vancouver Island, and that the Company constructing such line should receive a grant of certain of the public lands of the Province:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act is divided into three parts:—

The First Part relating to the extension of the charter and land grant of the Canadian Western Central Railway Company:

The Second Part making certain provisions for a land grant to the Canadian Northern Railway Company:

The Third Part relating to the conditions upon which the first or second parts thereof may be brought into force.

Divides Act into three parts.

PART I.

2. Section 11 of 52 Victoria, chapter 20, intituled "An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Canadian Western Central Railway," is hereby amended by striking out the words, in lines two and three, "within two years from the first day of November, 1889," and by substituting therefor the words "by the first day of August, A.D. 1893"; and section 2 of the said Statute, 52 Victoria, chapter 34, intituled "An Act to incorporate the Canadian Western Central Railway Company," is hereby amended by adding, at the end of said section, the words "or to the harbour of Victoria or Esquimalt by such alternative route as may be approved by the Lieutenant-Governor in Council"; and section 37 of the said Act is also hereby amended by striking out the words "within three years from the passage of this Act," and by substituting therefor the words "by the first day of August, A.D. 1893"; and also is further amended by adding thereto the following subsection: "Provided always that after the Company shall have bona fide expended at least two million dollars in their undertaking, the requirement of any stated yearly expenditure shall cease"; and subsection (2) of section 15 of the "Railway Aid Act, 1890," is hereby repealed.

Amends s. 11 of 1889, c. 20.

Amends s. 2 of 1889, c. 34.

Amends s. 37.

Repeals subsec. (2) of s. 15 of 1890, c. 40.

PART II.

3. It shall be lawful for the Lieutenant-Governor in Council, upon the furnishing of such securities as the Lieutenant-Governor in Council may see fit to accept, to agree to a grant of public lands to the Canadian Northern Railway Company not to exceed the areas mentioned in the said Act of the 52 Victoria, chapter 20, to be selected and defined in alternate blocks, and to be reserved and granted upon similar terms and conditions to those mentioned and contained in the last-mentioned Act, and upon such other terms and conditions as to the Lieutenant-Governor in Council may seem advis-

Land grant to Canadian Northern Railway Company.

able, but the periods within which actual work of construction shall be begun and the whole work shall be completed shall respectively be the periods mentioned in section 37 of the said "Canadian Northern Railway Act, 1892"; and it shall be lawful for the Lieutenant-Governor in Council to agree to make such grant or grants, in blocks of twenty thousand acres per mile, upon the completion of each section of twenty miles of railway, and to enter into all such agreements in the premises as the Lieutenant-Governor in Council may deem expedient for the purpose of facilitating the construction of such railway.

PART III.

On what terms Part I. may be declared in force.

4. It shall be lawful for the Lieutenant-Governor in Council, upon the furnishing of such securities as he may see fit to approve for the bona-fide expenditure, within one year from the date of this Act, of not less than fifty thousand dollars in the prosecution of surveys for the purposes of locating the railway, by Order in Council published in the British Columbia Gazette, to declare the First Part of this Act to be in force, and such Part, until so proclaimed, shall have no force or effect.

How Part II. may be declared in force.

5. In case no Order in Council shall be made and published under the provisions of the foregoing section, the Lieutenant-Governor in Council may, at any time after the passage of this Act, by Order in Council published in the British Columbia Gazette, declare the Second Part of this Act to be in force, but until so proclaimed the said Second Part shall have no force or effect.

As a condition precedent to Parts I. or II. being declared in force, Company may be required to undertake construction of railway to northern end of Vancouver Island.

6. It shall be lawful for the Lieutenant-Governor in Council, prior to passing an Order in Council under either of the two preceding sections and as a condition precedent to the passage of any such Order in Council, to require the Company, in whose behalf it is contemplated to pass such Order in Council, to undertake the construction and equipment of a branch line of railway from a convenient point on the most northerly portion of the Company's line of railway on Vancouver Island to a convenient point at the northern end of Vancouver Island, and to furnish such security for the performance of such undertaking as he may deem convenient, or an agreement containing such an undertaking on behalf of the Company may be entered into at any time subsequent to the passage of an Order in Council bringing Part I. or Part II. of this Act into force; and in case of either of the Companies entering into such an undertaking or agreement the Act of incorporation of such Company so undertaking shall be read as if it contained an express power and authority to the Company to enter into such agreement, and to build, construct, and equip a line of railway between the points as in such agreement may be mentioned, and all other powers and authorities necessary for the full carrying-out of such agreement.

7. The Lieutenant-Governor in Council may in any such agreement secure to the Company undertaking the construction of such last-mentioned railway a land grant in alternate sections along the proposed line, such grant not to exceed ten thousand acres per mile of railway to be constructed, together with such exemption from taxation and for such period as may be agreed upon, but not to exceed the limits in respect to such matters in any Act relating to the main undertaking of such Company.

Land grant to Company undertaking construction.

8. In any agreement for the construction of a main line of the road, a provision shall be inserted for connecting with the Town of Barkerville, as mentioned in section 9 of 52 Victoria, chapter 20.

Barkerville connection.

9. This Act may be cited as the "Canadian Western and Northern Extension and Aid Act, 1892."

Short title.

CHAPTER 37.

An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Kaslo and Slocan Railway.

[23rd April, 1892.]

WHEREAS it is proposed to pass an Act at the present session of the Legislative Assembly of the Province of British Columbia incorporating the Kaslo and Slocan Railway Company for constructing a line of railway from the Town of Kaslo to a point at or near Slocan Lake:

Preamble.

And whereas it is expedient to conditionally authorize the grant of a certain land subsidy to the said Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council to grant to the said Company lands in the Electoral District of West Kootenay, not exceeding ten thousand two hundred and forty acres for each mile of railway to be constructed by the said Company, upon condition of their commencing and constructing the said Kaslo and Slocan Railway within the time and according to the terms of their Act of incorporation, and upon the further condition that the said Company furnish due security for such construction in the manner hereinafter mentioned.

Land grant to Company.

On what terms certain lands on each side of line of proposed railway to be reserved.

2. Upon the said Company filing with the Chief Commissioner of Lands and Works a map or plan, to the satisfaction of the Lieutenant-Governor in Council, showing the course or direction of the proposed railway and the lands intended to be traversed, and upon the Company depositing with the Provincial Secretary good and sufficient security, to the satisfaction of the Lieutenant-Governor in Council, in the sum of twenty-five thousand dollars, not as a penalty, but as liquidated and ascertained damages due to Her Majesty in right of the Province of British Columbia in case of default for the due commencement and construction of the railway according to their Act of incorporation, there shall be reserved from pre-emption and sale a tract of land extending sixteen miles on each side of the line of the proposed railway.

Company to file plan of selected blocks within one year.

3. Within one year after the passage of this Act the Company shall define and project, in a manner satisfactory to the Chief Commissioner of Lands and Works, upon a plan of the located line of railway, the boundary-lines of alternate blocks of land fronting upon each side of the line of said railway, and having a frontage of six miles on the railway by a depth of sixteen miles, so that each block so selected and defined by the Company shall be opposite to a similar block not selected by the Company on the other side of the railway. Such boundary-lines shall be traced to the cardinal points.

Crown grants may be issued as work proceeds.

4. As the work of construction upon the railway proceeds, it shall be lawful for the Lieutenant-Governor in Council to issue Crown grants in favour of the Company for such of the lands situated in the alternate blocks so selected as aforesaid by the Company as the Company may from time to time request, not containing areas of less than one mile square, but in no case for a quantity of land exceeding the proportionate quantity to which the Company would be entitled at the rate of ten thousand two hundred and forty acres per mile, according to the number of miles constructed. No lands shall be granted to the Company which are not designated and surveyed by them within five years from the passage of this Act, and such lands shall be surveyed by Provincial land surveyors according to the land laws of the Province, and the surveys shall be at the expense of the Company.

No grant of land not surveyed by Company within five years.

Lands to be selected in lieu of occupied lands.

5. The Company shall only be entitled to unoccupied Crown land, and to make up for any area within any of the blocks of land to be selected by the Company which shall before the selection by the Company have been alienated by the Crown, or held by pre-emption, or lease, or as mineral claims, the Company shall be entitled to select similar areas of Crown land in the West Kootenay District, to be taken up in blocks of not less than one mile square.

Lieut-Governor may grant Company right-of-way.

6. It shall be lawful for the Lieutenant-Governor in Council to grant to the Company a right-of-way not exceeding two hundred feet

in width along the line of the railway, and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto; such last-mentioned Crown lands to be limited to such quantity as the Lieutenant-Governor in Council shall consider reasonably necessary for the purposes of the Company.

7. The lands to be granted to the Company shall not be subject to Provincial taxation until the expiration of ten years from the date of their selection by the Company, or until alienated by the Company, whichever event may soonest happen, and the railway and equipment, and stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required and used for the construction, equipment, and working of the said line of railway, and all personal property under or possessed by the said Company, and the capital stock of the Company, shall be free from Provincial taxation until the lapse of five years from the completion of the railway.

Exemption from taxation of Company's property.

8. Nothing in this Act, and no grant to be made hereunder, shall be construed to interfere with free miners entering upon and searching for precious metals and acquiring claims in accordance with the mining laws of the Province.

Free miners' rights protected.

9. This Act shall be cited as the "Kaslo and Slocan Railway Subsidy Act, 1892."

Short title.

CHAPTER 38.

An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Nelson and Fort Sheppard Railway.

[8th April, 1892.]

WHEREAS an Act was passed at the last session of the Legislative Assembly of the Province of British Columbia incorporating the Nelson and Fort Sheppard Railway Company for constructing a line of railway from a point near the Town of Nelson to a point near Fort Sheppard:

Preamble.

And whereas it is expedient to conditionally authorize the grant of a certain land subsidy to the said Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Land grant to Company.

1. It shall be lawful for the Lieutenant-Governor in Council to grant to the said Company lands in the Electoral District of West Kootenay, not exceeding ten thousand two hundred and forty acres for each mile of railway to be constructed by the said Company, upon condition of their commencing and constructing the said Nelson and Fort Sheppard Railway within the time and according to the terms of their Act of incorporation, and upon the further condition that the said Company furnish due security for such construction in the manner hereinafter mentioned.

On what terms certain lands on each side of line of proposed railway to be reserved.

2. Upon the said Company filing with the Chief Commissioner of Lands and Works a map or plan, to the satisfaction of the Lieutenant-Governor in Council, showing the course and direction of the proposed railway and the lands intended to be traversed, and upon the Company depositing with the Provincial Secretary good and sufficient security, to the satisfaction of the Lieutenant-Governor in Council, in the sum of twenty-five thousand dollars, not as a penalty, but as liquidated and ascertained damages due to Her Majesty in right of the Province of British Columbia in case of default for the due commencement and construction of the railway according to their Act of incorporation, there shall be reserved from pre-emption and sale a tract of land extending sixteen miles on each side of the line of the proposed railway.

Company to file plan of selected blocks within one year.

3. Within one year after the passage of this Act the Company shall define and project, in a manner satisfactory to the Chief Commissioner of Lands and Works, upon a plan of the located line of railway, the boundary-lines of alternate blocks of land fronting upon each side of the line of said railway, and having a frontage of six miles on the railway by a depth of sixteen miles, so that each block so selected and defined by the Company shall be opposite to a similar block not selected by the Company on the other side of the railway. Such boundary-lines shall be traced to the cardinal points.

Crown grants may be issued as work proceeds.

4. As the work of construction upon the railway proceeds, it shall be lawful for the Lieutenant-Governor in Council to issue Crown grants in favour of the Company for such of the lands situated in the alternate blocks so selected as aforesaid by the Company as the Company may from time to time request, not containing areas of less than one mile square, but in no case for a quantity of land exceeding the proportionate quantity to which the Company would be entitled at the rate of ten thousand two hundred and forty acres per mile, according to the number of miles constructed. No lands shall be granted to the Company which are not designated and surveyed by them within five years from the passage of this Act, and such lands shall be surveyed by Provincial land surveyors according to the land laws of the Province, and the surveys shall be at the expense of the Company.

No grant of lands not surveyed by the Company within five years.

5. The Company shall only be entitled to unoccupied Crown land, and to make up for any area within any of the blocks of land to be selected by the Company which shall before the selection by the Company have been alienated by the Crown, or held by pre-emption or lease, or as mineral claims, the Company shall be entitled to select similar areas of Crown land in the West Kootenay District, to be taken up in blocks of not less than one mile square.

Lands to be selected
in lieu of occupied
lands.

6. It shall be lawful for the Lieutenant-Governor in Council to grant to the Company a right-of-way not exceeding two hundred feet in width along the line of railway, and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto; such last-mentioned Crown lands to be limited to such quantity as the Lieutenant-Governor in Council shall consider reasonably necessary for the purposes of the Company.

Lieut.-Governor may
grant Company
right-of-way.

7. The land to be granted to the Company shall not be subject to Provincial taxation until the expiration of ten years from the date of their selection by the Company, or until alienated by the Company, whichever event may soonest happen, and the railway and equipment, and stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required and used for the construction, equipment, and working of the said line of railway, and all personal property under or possessed by the said Company, and the capital stock of the Company, shall be free from Provincial taxation until the lapse of five years from the completion of the railway.

Exemption from tax-
ation of Company's
property.

8. Nothing in this Act, and no grant to be made hereunder, shall be construed to interfere with free miners entering upon and searching for precious metals and acquiring claims in accordance with the mining laws of the Province.

Free miners' rights
protected.

9. This Act may be cited as the "Nelson and Fort Sheppard Railway Subsidy Act, 1892."

Short title.

CHAPTER 39.

An Act in aid of the Victoria and Sidney Railway Company.

[23rd April, 1892.]

Preamble.

WHEREAS an Act has been passed at the present session of the Legislative Assembly of the Province of British Columbia incorporating the Victoria and Sidney Railway Company, and enabling them to lay out, construct, maintain, and operate a line of railway from some convenient and accessible point within the City of Victoria by the most feasible and available engineering route to the Townsite of Sidney, in the District of North Saanich, and by the said Act of incorporation it is provided that the directors of the said Company may, with the approval of the shareholders, issue bonds not exceeding twenty thousand dollars per mile of railway, under the seal of the Company, and payable at such time and in such manner and at such place, and shall bear such rate of interest, not exceeding eight per cent. per annum, as the directors may think proper:

And whereas the said Company has applied to the Government of British Columbia to give a guarantee of interest upon the sum of three hundred thousand dollars for a term of twenty-five years at the rate of two per cent. per annum, and has agreed in consideration of such guarantee to pledge its undertaking as security therefor:

And whereas a similar application has been made to the Corporation of the City of Victoria, and it is expedient that in case the same is granted the property pledged by this Act should be available to the city as a security for its guarantee, as well as to the Government:

And whereas it is expedient to authorize the granting of the guarantee applied for by the said Victoria and Sidney Railway Company upon the conditions hereinafter mentioned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Government may
guarantee payment
of interest on Com-
pany's bonds up to
\$300,000.

1. The Government of British Columbia may guarantee the payment of interest, until maturity, at two per cent. per annum on bonds of the Company issued to an amount not exceeding three hundred thousand dollars, or its equivalent in sterling money; the principal of such bonds to be payable not later than twenty-five years from their date, and any agreement entered into in order to carry the provisions hereof into effect shall contain such conditions for securing the interest upon such bonds and enforcing the payment thereof as are authorized by the charter of the Company and as shall be approved by the Lieutenant-Governor in Council, the Company being

hereby empowered to charge its undertaking and its tolls and property, real and personal, then existing and at any time thereafter acquired, with the repayment of all moneys to be paid by the Provincial Government in respect of the guarantees hereby authorized, second and subject only to the charge given in favour of the bondholders under the Company's Act of incorporation.

2. In case at any time an agreement is entered into by the Company with the Corporation of the City of Victoria for the furnishing by the said Corporation of a guarantee of interest to a further amount of two or more per cent. upon the bonds of the Company up to not more than three hundred thousand dollars, the Government may make such arrangements for permitting the said Corporation to share any security taken by them for advances hereunder, and such provisions as to the manner of holding the same as to them seem fit.

Government may allow Victoria Corporation to share security taken for advances.

3. The Lieutenant-Governor in Council is also hereby empowered to arrange all details and to enter into all agreements which may be necessary for carrying out the provisions of this Act.

Lieut.-Governor may enter into necessary agreement.

4. The Lieutenant-Governor in Council may, by Order in Council, exempt the property, real and personal, and the capital stock of the Company from Provincial taxation for a period of not exceeding ten years from the completion of the railway.

Exemption from taxation of Company's property.

5. This Act may be cited as the "Victoria and Sidney Railway Subsidy Act, 1892."

Short title.

CHAPTER 44.

An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Upper Columbia Navigation and Tramway Company.

[23rd April, 1892.]

WHEREAS an Act was passed at the last session of the Legislative Assembly of the Province of British Columbia incorporating the Upper Columbia Navigation and Tramway Company for the purpose, among others, of constructing a tramway-line from some convenient point on the westerly shore of Mud Lake southward to the lower or northerly end of the Upper Columbia Lake:

Preamble.

And whereas it is expedient to grant a certain land subsidy to the said Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Lieut.-Governor may grant to Company certain proceeds of certain lands.

1. It shall be lawful for the Lieutenant-Governor in Council to grant to the Company the proceeds (as hereinafter defined) of such lands, not exceeding two thousand acres for each mile of tramway to be constructed by the said Company, and not exceeding in all sixteen thousand acres, as shall be selected by the Company, in accordance with the conditions hereinafter contained, from the area bounded as follows: On the north by the southern boundary of the Canadian Pacific Railway Belt; on the south by the fiftieth parallel of north latitude; on the east by the eastern boundary of the Electoral District of East Kootenay; and on the west by the western boundary of said district, upon condition of their commencing and constructing the said portion of the line of the Company within the time and according to the terms of their Act of incorporation, and upon the further condition that the said Company furnish due security for such construction in the manner hereinafter mentioned.

Company to deposit security in \$5,000, to be forfeited in default of construction of tramway.

2. Forthwith upon the passing of this Act the Company shall deposit in the office of the Provincial Secretary good and sufficient security, to the satisfaction of the Lieutenant-Governor in Council, in the sum of five thousand dollars, not as a penalty, but as liquidated and ascertained damages due to Her Majesty in right of the Province of British Columbia in case of default for the construction of the portion of the tramway hereby subsidized, on or before the first day of May, 1893.

Blocks of land to be pre-empted, etc., as provided by land laws.

3. The lands, the proceeds of which are to be taken by the Company, shall be pre-empted, leased, or acquired in the manner provided by the land laws of the Province in force, and shall be in blocks of such size as is provided by the said laws.

When Lieut.-Governor may order proceeds of land to be collected by Company.

4. Upon the Company desiring to select any lands which it may be in a position to provide with an occupant, in accordance with the provisions of the Land Acts, it shall notify the Lieutenant-Governor in Council of such fact, and of the description and amount of land which it desires to select, and of the nature of the same, and of the particular provisions of the Land Acts under which the same is intended to be acquired; and it shall thereafter be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Chief Commissioner of Lands and Works, showing that all the conditions hereof and of the Land Acts have been complied with, to order that the proceeds of such lands, whether the same be in the

shape of bonus or rent for timber, or payments for lands pre-empted, or in other shape whatsoever, shall be payable to and collected by the Company; but all provisions of the Land Acts respecting the rights acquired and the conditions thereof shall be observed by the person entering upon the lands, with the exception that where by the Land Acts payments are required to be made to the Government, the same shall be deemed effectual if made to the Company.

5. Section 17 of the "Land Act Amendment Act, 1891," shall apply to the Company. S. 17 of 1891, c. 15, to apply.

6. The lands, the proceeds whereof are to be received hereunder by the Company, shall be entered upon on behalf of the Company, and the notice on their behalf in the fourth section hereof mentioned shall be given within twelve years from the completion of the portion of tramway hereby subsidized. Lands to be entered upon, and required notice to be given within twelve years from completion of tramway.

7. All surveys shall be at the expense of the Company or of the parties occupying the lands the proceeds of which are taken by the Company. Surveys to be at expense of Company.

8. This Act may be cited as the "Upper Columbia Navigation and Tramway Subsidy Act, 1892." Short title.

CHAPTER 45.

An Act to grant certain Lands to the Corporation of the City of Victoria.

[23rd April, 1892.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council to grant, upon such conditions as he shall see fit, to the Corporation of the City of Victoria all and singular the following parcels or tracts of land and premises, namely: Lot 1,270A, situate at the head of James Bay, Victoria Harbour, and more particularly set out and described in a release or relinquishment of said lot, and dated the sixth day of April, A.D. 1859, made between the late Sir James Douglas and Joseph D. Pemberton, Colonial surveyor, and recorded in the Land Registry Office, Victoria, British Columbia, on the nineteenth day of September, A.D. 1881, in Record of Conveyances,

Volume I., folio 719; also all and singular that certain other parcel or tract of land situate, lying, and being in the said City of Victoria, said to contain one-quarter of an acre of land, more or less, and being portion of Section 6, Victoria District, and commonly known as the rocky portion of same, at the south-east angle of the present James Bay Bridge in said city.

CHAPTER 46.

An Act to provide for a Grant to the Corporation of the City of New Westminster of certain Lands in the City of New Westminster.

[23rd April, 1892.]

Preamble.

WHEREAS the Corporation of the City of New Westminster has applied to the Lieutenant-Governor in Council to grant to it certain parcels or tracts of land situate in the City of New Westminster:

And whereas it is expedient that such application shall be granted:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Land grant.

1. It shall be lawful for the Lieutenant-Governor in Council to grant, upon such conditions and trusts as he shall think fit, to the Corporation of the City of New Westminster all and singular those parcels or tracts of land situate in the City of New Westminster which are described in the Schedule to this Act.

Short title.

2. This Act may be cited as the “New Westminster City Land Grant Act, 1892.”

THE SCHEDULE.

(1.) Lot numbered Fourteen (14), of Block Twenty-four (XXIV.), of the City of New Westminster.

(2.) Lot numbered Fifty-six (56), of Suburban Block Five (V.), now being within the limits of the City of New Westminster.

(3.) Lot numbered Nineteen (19), of Block Thirty-six (XXXVI.), of the City of New Westminster.

(4.) Lots numbered Thirty (30), Thirty-one (31), and Thirty-two (32), of Suburban Block Five (V.), now being within the limits of the City of New Westminster.

(5.) Lots numbered Twenty-nine (29), Thirty (30), and Fourteen (14), of Suburban Block Six (VI.), now being within the limits of the City of New Westminster.

(6.) Lot numbered Four (4), of Suburban Block Four (IV.), now being within the limits of the City of New Westminster.

Canadian Northern Railway Company23rd April, 1892.
 Columbia and Kootenay Railway and Navigation
 Company (Amendment)23rd April, 1892.
 Coquitlam Electric Company23rd April, 1892.

CHAPTER 51.

An Act to amend the "Esquimalt Waterworks Act, 1885." U.A. 1888, No. 16.

[23rd April, 1892.]

WHEREAS the Esquimalt Waterworks Company have by their Preamble.
 petition represented that they are desirous of improving their
 waterworks system, and have prayed that for that purpose they may
 be authorized to divert and appropriate water from Goldstream
 River and its tributaries, and also to lay down the pipes necessary
 for conveying such water to the Town of Esquimalt and the peninsula
 adjacent thereto, as defined by section 8 of the "Esquimalt Water-
 works Act, 1885":

And whereas it is expedient to grant the prayer of the said
 petition, subject, however, to any rights of the City of Victoria
 under the provisions of the "Corporation of Victoria Waterworks
 Act, 1873":

Therefore, Her Majesty, by and with the advice and consent of the
 Legislative Assembly of British Columbia, enacts as follows:—

1. The "Esquimalt Waterworks Act, 1885," shall be so construed Gives power to take
waters of Gold-
stream.
 as to give power to the Esquimalt Waterworks Company to divert
 and appropriate so much of the waters of Goldstream River and
 tributaries as they may deem suitable and proper, subject, however,
 to any grant of rights, privileges, or powers arising under the pro-
 visions of the "Corporation of Victoria Waterworks Act, 1873."

2. Section 10 of the said Act is hereby amended by inserting after Amends s. 10.
 the word "Highland," in the said section, the words "Goldstream,
 Malahat."

Extension of powers
of Company to
appropriate streams.

3. All the rights, powers, and privileges conferred on the said Company by the "Esquimalt Water Works Act, 1885," shall extend and apply to the appropriation and diversion of the waters of the Goldstream River and its tributaries, and also to the conveying of such water from the place or places of diversion to the Town of Esquimalt and the peninsula adjacent thereto, as defined by section 8 of the said Act, in the same way and to the same extent as if such rights, powers, and privileges had been originally conferred by the said "Esquimalt Waterworks Act."

Power to acquire
and sell, etc., lands.

4. The said Company shall have power to purchase, lease, or otherwise acquire and hold all such real estate as may from time to time be deemed requisite for the purposes of the said Company, and also to sell, lease, or otherwise dispose of, and to mortgage, pledge, or encumber such real estate, or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit.

May increase capital
stock.

5. The said Company may, by special resolution, increase its capital by the issue of new shares to a sum not exceeding four hundred thousand dollars.

Liability of share-
holder limited.

6. The liability of a shareholder shall be limited to the amount unpaid on his shares, in accordance with and as if the Company had been incorporated under the Imperial Statute known as the "Companies Act, 1862."

Duties of Company
before and after
opening streets, etc.,
in City of Victoria.

7. Before the Company shall proceed to break up any street, bridge, sewer, drain, or tunnel within the limits of the Corporation of the City of Victoria, they shall give three days' notice to the Mayor and Council of said city of such intention; and when the Company shall have opened or broken up any road or pavement, or any street, bridge, sewer, drain, or tunnel, they shall, with all convenient speed, complete the work for which the same was opened or broken up, and shall carry away all rubbish or debris occasioned thereby, and shall at all times leave the streets in as good and passable a condition as they were before they were opened or broken up by the Company, and shall, at all times whilst any road or pavement shall be opened or broken up, cause the same to be fenced or guarded, and at night shall cause a light sufficient for the warning of passengers to be set up and maintained at or near such open road or pavement; and the laying of all pipes or other work performed by the Company which may affect the streets or other property of the City of Victoria shall be done to the satisfaction of the City Engineer of the said city.

Not to lay pipes in
certain parts of Dis-
trict and City of
Victoria.

8. The Company shall not have power to lay pipes in that part of the District and City of Victoria lying to the south or east of Victoria Harbour or Arm.

9. Nothing in this Act shall be construed as in any way limiting or derogating from any grant or privilege accorded to the Corporation of the City of Victoria under the provisions of the "Corporation of Victoria Waterworks Act, 1873."

This Act not to limit certain privileges accorded to City of Victoria.

10. The rights and privileges conferred by this Act are subject to and have been conferred only upon the following conditions:—

Rights conferred subject to certain conditions.

(a.) Should the Corporation of the City of Victoria at any time so desire, the Council of the Corporation may, by resolution, notify the Esquimalt Waterworks Company to furnish them with a supply of water from the works of the Esquimalt Waterworks Company, and it shall thereupon be obligatory upon such Company, within fifteen months after the service of such notice on the Company, to supply and deliver, at some point west of Victoria Arm, within the limits of the City of Victoria, into the water-mains of the City of Victoria, under a pressure (at sea-level) of not less than one hundred and ten pounds to the square inch, such quantity of pure water up to the amount and for the period specified in such resolution, or any subsequent resolution of a similar nature, as will satisfy the needs of the Corporation of the City of Victoria, the Corporation paying the Company therefor at the rate of six cents per thousand gallons; and the Company shall supply water to the Corporation of the City of Victoria for the purpose of fire protection at the rate of four dollars per month for each fire hydrant which the Corporation may desire to connect with the Company's pipes, and shall supply water for flushing and washing gutters, or for the filling of tanks for fire-protection purposes, free of charge:

(b.) Provided, however, that the Company shall not be required to supply a quantity of water of less than five hundred thousand nor more than five million gallons per diem; and provided that the Company shall not be required to furnish water for any period less than five years:

(c.) It shall not be incumbent upon the Corporation of the City of Victoria to avail itself of the right in subsection (a) of this section declared, but in the event of the Corporation availing itself of such right, then the notice thereunder referred to in subsection (a), in conjunction with the necessary by-law, shall operate as a covenant on the part of the Corporation to take the quantity of water mentioned in the resolution, and to pay for the same at the rate mentioned in said subsection (a), and for the period specified in such notice.

11. This Act may be cited as the "Esquimalt Waterworks Extension Act, 1892."

Short title.

Kaslo and Slocan Railway Company.....	23rd April, 1892.
Kootenay Power Company.....	23rd April, 1892.
Nelson Electric Light Company.....	23rd April, 1892.
Nelson Waterworks Company.....	23rd April, 1892.
Roman Catholic Bishop of Vancouver Island.....	23rd April, 1892.
Sisters of Charity of Providence	23rd April, 1892.
Sisters of Saint Ann	23rd April, 1892.
Sumas Reclamation Company	23rd April, 1892.
Surrey Dyking	23rd April, 1892.
North Vancouver Electric Company	23rd April, 1892.
Vancouver Incorporation (Amendment) [<i>Part repealed, remainder consolidated</i>].....	23rd April, 1892.
Victoria City Corporation	23rd April, 1892.

CHAPTER 64.

U.A. 1888, No. 20. An Act to amend the "Corporation of Victoria Waterworks Act, 1873."

[23rd April, 1892.]

Preamble.

WHEREAS the Corporation of the City of Victoria have by their petition represented that the "Corporation of Victoria Waterworks Act, 1873," is in many respects inapplicable to the existing condition of affairs in the said city, and have prayed that the same may be amended:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Repeals s. 1 and substitutes—

1. Section 1 of the "Corporation of Victoria Waterworks Act, 1873," is hereby repealed, and in lieu thereof it is enacted as follows:—

What Acts to govern collection of certain rates and taxes, etc.

"1. The 'Municipal Act, 1892,' and any Statute which may hereafter be passed by the Legislative Assembly of this Province amending or as a substitution for the same, shall, as far as possible, govern the classification of property liable to assessment, and the assessment, levy, and collection of all rates and taxes hereinafter referred to, except water rates and any and all special rate or rates mentioned in this Act."

Amends s. 5.

2. Section 5 of the "Corporation of Victoria Waterworks Act, 1873," is hereby amended by inserting after the word "appoint," in

the second line of said section, the words "by resolution the Commissioner and"; and in line three by inserting after the word "by" the words "resolution or."

3. Section 6 of the "Corporation of Victoria Waterworks Act, 1873," is hereby repealed, and in lieu thereof the following section and subsections shall be enacted:—

"6. It shall and may be lawful for the said Commissioner, his agents, servants, and workmen, appointed as aforesaid, from time to time and at all such times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the land of any person or persons, bodies politic or corporate, in the said City of Victoria, or within twenty miles of the said city, and to survey, set out, ascertain, and appropriate, with or without the consent of the owners or occupiers thereof, such parts thereof as they may require for the purposes of the said waterworks; and also to divert and appropriate any springs, streams, lakes, or bodies of water which they shall judge proper, and to contract with the owners or occupiers of the said lands, and those having any interest or right in the said water or waters, for the purchase thereof, or of any part thereof, or of any privilege that may be required for the purpose of the said Commissioner, and for the right to take all timber, stone, gravel, sand, and other materials from the same or adjacent lands for the use and construction of the said works.

Repeals s. 6 and substitutes—

Lands, etc., may be entered on and purchased.

"(a.) In case of any disagreement between the said Commissioner and the owners or occupiers of the said lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damages arising through the construction of any dam, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the Commissioner shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, after their appointment, appoint a third:

Arbitration in case of disagreement.

"(b.) Either the Commissioner or the owner or owners may, after making such appointment, serve notice thereof on the other parties, and if within ten days after service of such notice the party so served fails to appoint an arbitrator on his or their behalf, or in the event of the two arbitrators so appointed failing, within ten days after their appointment, to appoint a third arbitrator, then or in any of such cases one of the Judges of the Supreme Court of British Columbia shall, on the application of either party, appoint such arbitrator:

Failure to appoint arbitrator.

Appointment of arbitrators in case owner infant, etc.

“(c.) In case any such owner or occupant shall be an infant, insane, or under any legal disability, or shall be absent from this Province, it shall be the duty of a Judge of the Supreme Court of British Columbia, on application being made to him for that purpose by the Commissioner, to nominate and appoint three indifferent persons as arbitrators:

If arbitrator appointed by either party die or refuse to act.

“(d.) If, before the matter so referred shall be determined, any arbitrator appointed by either party die, or become incapable, or neglect or refuse to act, the party by whom such arbitrator was appointed may nominate and appoint, in writing, some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed *ex parte*:

If arbitrator appointed by Court die or refuse to act.

“If an arbitrator appointed by the Court under any of the provisions hereinbefore mentioned shall die or become incapable, or neglect or refuse to act before the matter so referred shall be determined, the Court may, on the application of either party, appoint some other person to act in his place:

Powers of substituted arbitrator.

“Every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, or disability, or neglect, or refusal to act as aforesaid:

Arbitrators to make award.

“(e.) The arbitrators to be appointed as aforesaid shall award, determine, adjudge, and order whether any, and if so what, sum or sums of money shall be paid by the Corporation of the City of Victoria to the person or persons making claim thereto in respect of any of the matters so referred to the said arbitrators:

When and where arbitration to be held.

“(f.) The arbitrators shall be and they are hereby required to attend at some convenient place in the City of Victoria, to be appointed by the Commissioner, after eight days' notice given for that purpose by the Commissioner, then and there to arbitrate, award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; but no formal agreement or submission in writing shall in any case be necessary:

Arbitrators to be sworn.

“The said arbitrators shall, before entering into the consideration of any of the matters so referred to them, each be sworn before one of Her Majesty's Justices of the Peace for British Columbia, or of any county or electoral district thereof (any of whom may be required to attend the said meeting for that purpose), well and truly to decide between the parties to the best of his judgment:

- “(g.) The arbitrators shall make and publish their award in writing within thirty days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by such arbitrators, under their hands: Award to be in writing, etc.
- “(h.) The said arbitrators shall call for the production of any documents in the possession or power of either party which they, or any one of them, may think necessary for determining the question in dispute, and shall examine the parties or their witnesses on oath, and shall have power to administer the oaths necessary for that purpose: Witnesses.
- “(i.) All the costs of any such arbitration and incident thereto, including the fees of the arbitrators, shall be borne by the Corporation of the City of Victoria, unless the arbitrators shall award the same or a less sum than shall have been offered by the Commissioner, in which case the owners or occupiers shall bear the said costs incident to the arbitration and the costs of the arbitrators: Costs of arbitration.
- “(j.) The costs of any such arbitration may, on the application of either party, be taxed by the Registrar of the Supreme Court at the City of Victoria, and on such taxation the said Registrar shall not be limited by any scale of fees in force in the said Court, or laid down in the ‘Arbitration Act,’ but may allow all such costs and expenses, including fees to arbitrators, witnesses, and counsel, as he shall consider reasonable and proper, having regard to the importance of the matters in dispute and the length of time occupied in the said arbitration: Taxation of costs.
- “(k.) After publication of the said award, either party may demand the same from the arbitrators, and upon payment of their proper fees in that behalf the arbitrators shall deliver their said award to the party so requiring the same. The party taking up the said award shall, on demand, forthwith furnish a copy thereof to the other party, and shall at all times, on demand, produce the said award and allow the same to be inspected or examined by the other party, or any person appointed by him for that purpose: Delivery of award.
- “(l.) No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form, but any such award shall be subject to be set aside or referred back to the arbitrators on application to the Supreme Court of British Columbia, in the same manner and on the same grounds (except irregularity or error in matter of form) as in ordinary cases of arbitration. For the purposes of such application, any award made under this Setting aside award.

Act shall be deemed to have been so made under a submission which has been duly constituted a rule or order of the said Supreme Court of British Columbia:

Award to be binding.

“(m.) The award of the majority of the said arbitrators shall be binding upon all parties concerned, subject as aforesaid: Provided, however, if a majority of the said arbitrators shall not agree upon an award, the said reference shall be deemed to be abandoned, and the parties may appoint other arbitrators and proceed to a second arbitration in accordance with the provisions of this Act, and so on from time to time until an award shall be made and published:

Payment of award.

“(n.) Any sum so awarded shall be paid within six months from the date of the award, or the determination of any motion to annul the same, and in default of such payment the proprietor may resume possession of his property, and all his rights shall thereupon revive:

When amount awarded may be paid into Court.

“(o.) If the purchase-money or compensation so awarded in respect of any lands or any interest therein purchased or taken by the Commissioner, or in respect of any damages, rights, or privileges as aforesaid, shall be payable to a person who for any reason cannot make a conveyance thereof, or who shall be absent from this Province, then the Commissioner may pay the amount awarded (less the amount of any registered charge and less any sum which may be taxed against the other party for costs) into the Supreme Court of British Columbia; and thereupon the said Court may make an order vesting the said lands, or interest therein, or the rights or privileges sought to be acquired, in the Corporation of the City of Victoria, and no further conveyance or grant shall be requisite to perfect the title of the said Corporation or its successors to the said lands, rights, or privileges:

Court may make order vesting lands, etc., in the Corporation.

Court may make order as to disposition of moneys.

“(p.) The Court may, on the summary application on behalf of any party interested, make such order as to the disposition of any moneys so paid in as shall be deemed requisite or proper:

Deeds to be executed.

“(q.) In all other cases, upon payment or tender of the amount so awarded, the owners or occupiers of the lands, rights, or privileges aforesaid shall, at the cost and expense of the Corporation of the City of Victoria, make, do, and execute all such acts, deeds, matters, and things necessary on the part of such owners or occupiers, or any of them, to vest a complete and perfect title to the said lands, rights, or privileges in the said Corporation and its successors.”

4. The following words shall be inserted after clause 13 of the "Corporation of Victoria Waterworks Act, 1873," namely: "In all cases where a main pipe of four inches or over is or shall be laid in any street in the said city, the Council of the Corporation of the City of Victoria shall have power to pass a by-law and thereby to assess and levy a special rate per foot frontage upon the lots (except corner lots) on each side of the portion of the said street in which said pipe or pipes shall from time to time be laid. In case any of such lots are corner lots, then such corner lots shall only be assessed at one-half the said rates." Adds after clause 13 of said Act.

5. Section 14 of the "Corporation of Victoria Waterworks Act, 1873," is hereby amended by striking out the words "less disbursements by the Commissioner" in the first and second lines of said section, and by inserting after the word "monthly," in the second line of said section, the words "or oftener if the Mayor of the said city shall so direct." Amends s. 14.

6. The "Corporation of Victoria Waterworks Act, 1873," shall be so construed as to confer upon the Corporation of the City of Victoria the right to lay down pipes and carry water through, in, and under the highways and roads in the Districts of Esquimalt, Highland, Malahat, Goldstream, and Sooke, and through, in, and under the intermediate lands. Power to carry water through roads in certain districts.

7. Section 15 of the "Corporation of Victoria Waterworks Act, 1873," is hereby amended by striking out the words "and to fix their compensation" in the fifth line of said section, and by striking out the words "do now" in the thirteenth line of said section. Amends s. 15.

8. Section 24 of the "Corporation of Victoria Waterworks Act, 1873," is hereby amended by inserting after the word "otherwise," in the sixth line thereof, the words "or take or appropriate to his own use any water from any public or private tap." Amends s. 24.

9. Section 34 of the "Corporation of Victoria Waterworks Act, 1873," is hereby amended by striking out in line one the words "after the construction of the works," and in line four by striking out all the words after the word "shall" down to and including the word "works" in the sixth line, and by striking out the words "monthly with the clerk" in the sixth line, and inserting "with the Treasurer" in lieu thereof. Amends s. 34.

10. Section 41 of the "Corporation of Victoria Waterworks Act, 1873," is hereby amended by striking out the word "Councillor" in the first line thereof, and inserting the words "Mayor or Alderman." Amends s. 41.

11. Section 44 of the "Corporation of Victoria Waterworks Act, 1873," is hereby repealed. Repeals s. 44.

Repeals c. 27, 1881. **12.** Chapter 27 of the Acts of 1881, intituled "An Act to amend the 'Corporation of Victoria Waterworks Act, 1873,'" is hereby repealed.

By-law to allow contract with Esquimalt Waterworks Company to carry out s. 10 of 1892, c. 51.

By-law to be assented to by electors.

As to distribution of water within areas where Esquimalt Waterworks Company have right to distribute water.

13. Notwithstanding any law to the contrary, the Council of the Corporation of the City of Victoria shall have power from time to time to make and pass by-laws for the purpose of authorizing the Council to enter into a contract, for a period of five years, with the Esquimalt Waterworks Company to carry into effect the provisions of section 10 of the "Esquimalt Waterworks Extension Act, 1892"; but every such by-law shall be first submitted to the electors of the municipality, and the assent of the electors shall be obtained thereto in conformity with the provisions of the Statutes for the time being in force respecting by-laws for contracting debts in the municipality.

14. Notwithstanding anything contained in this Act or in the "Corporation of Victoria Waterworks Act, 1873," the Corporation of Victoria shall not distribute water within the areas where the Esquimalt Waterworks Company have the right to distribute water under their Act, unless the said Company shall fail to furnish an adequate supply, or shall demand rates in excess of those charged by the Corporation of the City of Victoria; and it shall also be incumbent upon the Esquimalt Waterworks Company as a condition, in default of which the Corporation of Victoria shall be at liberty to distribute water within the areas aforesaid, that the Esquimalt Waterworks Company shall from time to time furnish, and place, and maintain in position in the said areas, in such places as may be designated by the Council, and supply with a sufficient quantity of water, such number of suitable fire hydrants as may by resolution of the Council from time to time be required for use in case of fire, the Corporation of Victoria paying the said Company for such hydrants at the rate of four dollars per month for each hydrant, without any charge for the supply of water.

Victoria and Esquimalt Telephone Company

(Amendment)23rd April, 1892.

Victoria and Sidney Railway Company23rd April, 1892.

Westminster and Vancouver Short Line Railway

(Amendment)23rd April, 1892.

A.D. 1893.

Fraser River Bridge Aid12th April, 1893.

Nelson Waterworks (Amendment)12th April, 1893.

CHAPTER 34.

An Act to provide for the Erection of New Buildings for the Accommodation of the Provincial Legislature and the Public Departments.

[12th April, 1893.]

WHEREAS it is expedient that new buildings should be provided Preamble.
for the proper and needful accommodation of the Provincial Legislature and the departments of the public service:

And whereas the Provincial buildings now in use for the said purposes are wholly inadequate therefor:

And whereas with this view the site of the present buildings has been rendered more suitable for new buildings by the expropriation of several lots on Birdcage Walk:

And whereas it is estimated that the said new buildings can be erected at a cost not to exceed six hundred thousand dollars:

And whereas it is advisable, with a view to economy and public convenience, and so that when once commenced the erection of the said buildings should not be delayed by reason of the Legislature not being in session to vote the necessary funds, that authority should be given to pledge the credit of the Province to provide such funds:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Parliament Buildings Construction Act, 1893.” Short title.

2. It shall be lawful for the Lieutenant-Governor in Council to authorize the Chief Commissioner of Lands and Works to enter into a contract or contracts for the erection of new buildings, with requisite appurtenances for the accommodation of the Legislature and the several departments of the public service, upon the block of land upon which the old buildings at present in use for such purposes are situate; and also, if deemed advisable, to purchase and expropriate any further lands adjacent thereto which may be required in connection with the said buildings. Lieut.-Governor may authorize contracts for erection of new buildings.

3. The consideration money of any such contract, or the total consideration money of any such contracts, shall not exceed the sum of six hundred thousand dollars. Amount not to exceed \$600,000.

4. It shall be lawful for the Lieutenant-Governor in Council from time to time, as obligations under any such contract or purchase Moneys to be paid out of surplus of Consolidated Revenue Fund.

are incurred, to pay and discharge the same out of such of the surplus moneys forming portion of the Consolidated Revenue Fund of this Province as may be available for such purpose.

Power to raise money by sale of debentures or otherwise.

5. The Lieutenant-Governor in Council may, in addition to all other moneys authorized to be raised or borrowed by any other Act of the Province, at discretion, borrow or raise any sum of money not exceeding six hundred thousand dollars by the sale of debentures or otherwise.

Moneys realized to be paid to Minister of Finance and be deemed to be portion of Consolidated Revenue Fund.

6. All sums realized under the preceding section shall be paid in such manner as the Lieutenant-Governor in Council shall prescribe to the Minister of Finance, and shall be deemed to be surplus moneys forming portion of the Consolidated Revenue Fund of the Province, available for the purpose of discharging obligations under this Act as provided by section 4 hereof.

CHAPTER 36.

An Act to make Further Provision for a Land Subsidy for and in aid of the British Columbia Southern Railway.

[12th April, 1893.]

Preamble.

WHEREAS, by sections 1 and 16 of the Act passed by the Legislature of this Province in the fifty-third year of Her Majesty's reign, intituled "An Act in aid of certain Railways," a certain land grant was authorized to be made in aid of the British Columbia and Southern Railway, under the name of the "Crow's Nest and Kootenay Railway":

And whereas, by an Act passed by the Legislature of this Province in the fifty-fourth year of Her Majesty's reign, the Company was authorized, in addition to the powers conferred upon it, to construct a branch line from Elk River to Tobacco Plains, near the forty-ninth parallel:

And whereas an Act has been passed at the present session of the Legislative Assembly of the Province of British Columbia amending the Act of incorporation of the said British Columbia Southern Railway Company, by, amongst other things, authorizing the Company to construct as an alternative route to the line from Cranbrook to the Lower Kootenay River, authorized by its first charter, a line

of railway from Cranbrook to Pilot Bay, on Kootenay Lake, or to the Lardo River by way of St. Mary's River, and by further dividing the undertaking of the Company, and all routes over which its various charters extend, into three distinct sections as in the Schedule to said Act set out:

And whereas it is advisable to make provision for a land grant in respect of either or both of the sections in said Schedule, known as the eastern and central sections, and to define the manner in which the said "Railway Aid Act, 1890," shall apply to the respective undertakings of the Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Lieutenant-Governor in Council may grant to the said Company lands in the Electoral Districts of East and West Kootenay, not exceeding twenty thousand acres for each mile of railway to be constructed by the said Company, under the authority of section 4 of the "British Columbia Southern Railway Act Amendment Act, 1891," or of section 1 of the "British Columbia Southern Railway Act Amendment Act, 1893."

Grant to British
Columbia Southern
Railway Company.

2. Such lands shall be taken up and acquired in accordance with the provisions of sections 1 and 16 of the "Railway Aid Act, 1890," save and except, however, and it is hereby provided, that such portion of section 1 of the said "Railway Aid Act, 1890," as requires guarantees to be taken for the completion of the whole road shall be read as requiring guarantees for the completion, within the time limited in the said "British Columbia Southern Railway Act Amendment Act, 1893," of the remaining portion of the section as described in the Schedule to the "British Columbia Southern Railway Act Amendment Act, 1893," in respect of a portion of which, then constructed, the Company may be applying for a land grant.

How lands to
be taken.

And whereas part of the land which otherwise would be available for the Company in respect of the construction of portion of the eastern section of their said railway, and lying to the south of Elk River, is already taken up by the Kootenay Valley Company and the Canadian Pacific Railway Company: Therefore it is hereby enacted:—

3. The land mentioned in section 16 of the "Railway Aid Act, 1890," may be made available to the Company as portion of the grant in respect of the construction of the eastern section of its said railway, and may be applied for as portion of the block to be granted upon completion of the second twenty miles of the eastern section of the said Company's railway.

How Company
may obtain lands
mentioned in s. 16
of 1890, c. 40.

CHAPTER 37.

An Act in aid of certain Railways.

[12th April, 1893.]

Preamble.

WHEREAS, by an Act of the Legislature of the Province of British Columbia, intituled "An Act to incorporate the Nicola Valley Railway Company," being 54 Victoria, chapter 59, certain persons in the said Act mentioned were incorporated as a company, with power to lay out, construct, complete, and operate a double or single line of railway, of four feet eight and one-half inches gauge, from a point at or near Spence's Bridge, on the line of the Canadian Pacific Railway; thence running in a south-easterly direction, and following the valley of the Nicola River and terminating at a point at or near the western extremity of Nicola Lake, with a branch commencing at or near the junction of the Coldwater and Nicola Rivers, and extending in a southerly direction along the valley of the Coldwater River to a point at or near the junction of the Voght and Coldwater Rivers; and with power to borrow money and charge the property of the Company as in the said Act set forth, and to make running, selling, or leasing arrangements with any other company authorized by law to enter into such agreements:

And whereas the said railway is declared by an Act of the Parliament of Canada, intituled "An Act respecting the Nicola Valley Railway Company," being 55-56 Victoria, chapter 50, to be a work for the general advantage of Canada, and the said Company is by the said last-mentioned Statute granted additional powers in the matter of extending its line of railway as therein set forth, and is also given power to issue bonds, debentures, or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches thereof, in proportion to the length of railway constructed or under contract to be constructed:

And whereas, by the Statute of Canada, 55-56 Victoria, chapter 5, intituled "An Act to authorize the Granting of Subsidies in aid of the Construction of the Lines of Railway therein mentioned," the Governor in Council is authorized to grant a subsidy of eighty thousand dollars for the said Company in aid of the construction of twenty-five miles of its line of railway from or near Spence's Bridge towards said Nicola Lake:

And whereas it is expected that the Governor in Council will be authorized to grant a further subsidy not exceeding three thousand two hundred dollars per mile to the said Company to aid in the construction of the remainder of its line of railway authorized and proposed to be constructed and operated:

And whereas, by an Act passed during the present session of the Legislature, intituled "An Act to incorporate the Nakusp and Slocan

Railway Company," certain persons therein mentioned are incorporated as a company, with power to lay out, construct, equip, complete, and operate a double or single line of railway, of four feet eight and one-half inches or standard gauge, commencing at a point at or near the Town of Nakusp to some point at or near the Forks of Carpenter Creek, in the District of West Kootenay, and branch lines; and with power, inter alia, to borrow money and charge the property of the Company as in the said Act set forth, and to make running, selling, or leasing arrangements with any other railway company authorized by law to enter into such agreements:

And whereas like powers are conferred upon the said Company by a Statute passed during the present session of the Parliament of Canada, intituled "An Act to incorporate the Nakusp and Slocan Railway Company," which Statute declares the undertaking of the Company to be a work for the general advantage of Canada:

And whereas it is expected that the Governor in Council will be authorized by the Parliament of Canada to grant a subsidy not exceeding three thousand two hundred dollars per mile to the said Company in aid of its undertaking:

And whereas, by an Act of the Legislature of this Province, intituled "An Act to incorporate the Chilliwack Railway Company," being 54 Victoria, chapter 55, certain persons therein named are incorporated as a company, with power to lay out, construct, complete, and operate a double or single line of railway, of four feet eight and one-half inches gauge, from a point on the Mission branch of the Canadian Pacific Railway, on the south side of the Fraser River, to a point in the Municipality of Chilliwack, in the District of New Westminster, and with power, inter alia, to borrow money and to charge the property of the Company as in the said Act set forth, and to make running, selling, or leasing arrangements with any other railway company authorized by law to enter into such agreements:

And whereas the Canadian Pacific Railway Company, being authorized by law so to do, has offered to undertake the equipment, operation, and maintenance of the said other hereinbefore-mentioned railways for a term of twenty-five years, and to allow each of the other hereinbefore-mentioned railway companies an amount equal to forty per cent. of the gross earnings of their respective lines of railway:

And whereas the said Chilliwack Railway Company has applied to the Government of British Columbia to guarantee interest upon a sum not exceeding twenty-five thousand dollars per mile of its line of railway for a term of twenty-five years at the rate two per cent. per annum, and has agreed in consideration of such guarantee to charge its undertaking as security therefor:

And whereas similar application has been or is about to be made by the said last-mentioned Railway Company to the several corporations of the municipalities proposed to be traversed by the Company's line of railway, and it is expedient that, in case the same is granted, the property of the said Company required to be pledged by this Act should be available to the said municipalities as security for their guarantee as well as to the Government:

And whereas it is expedient to authorize certain guarantees of interest in favour of the said Nicola Valley Railway Company, the said Nakusp and Slocan Railway Company, and the said Chilliwack Railway Company, upon the conditions in this Act contained:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Application.

1. The next twelve sections shall apply to the Nicola Valley Railway Company and the Nakusp and Slocan Railway Company. Sections 14 and 15 shall apply to the Chilliwack Railway Company, and sections 17 and 18 shall apply to all of the said companies.

Guarantee of interest upon bonds by Province.

2. It shall be lawful for the Lieutenant-Governor in Council, subject to the provisions of this Act, to authorize the Minister of Finance to guarantee the payment of interest upon the bonds of the Company, but not to exceed four per cent. per annum for twenty-five years upon an amount sufficient to build and equip the road, not to exceed the sum of twenty-five thousand dollars per mile of railway.

Conditions to be complied with before guarantee given.

3. Before any such guarantee shall be given the Company must, subject to section 9 hereof, have complied with the following conditions, viz.:—

- (a.) The Company must obtain the necessary legislative sanction of the Parliament of Canada for the grant to the Company of a subsidy of not less than three thousand two hundred dollars per mile of railway, and must have duly assigned the benefit of such subsidy to the Minister of Finance in right of the Province:
- (b.) The Company must have entered into an agreement with the Canadian Pacific Railway Company, or some other railway company, whereby the Canadian Pacific Railway Company, or some other railway company, shall be well and truly bound to equip, operate, and maintain, for the term of twenty-five years, the railway belonging to such Company, and to allow such Company an amount equal to forty per cent. of the gross earnings of such railway, which agreement shall be subject to the approval of the Lieutenant-Governor in Council in all respects, it being hereby expressly declared that, unless and until such agreement

is so approved, no guarantee of any kind whatever shall be given by the Government of the Province; and upon such agreement being so approved as aforesaid, each of the said Companies shall forthwith assign to the Chief Commissioner of Lands and Works, in trust for Her Majesty in right of this Province, all benefit and advantage to accrue to the said Company under and by virtue of such agreement between the Canadian Pacific Railway Company or some other railway company and the said Company, and shall do all other matters and things and give all necessary directions for the purpose of authorizing the Minister of Finance of the Province of British Columbia, for and on behalf of Her Majesty, to receive from the Canadian Pacific Railway Company, or some other railway company, the said amount of gross earnings to be paid under the said agreement to the said Company:

- (c.) The Company shall furnish good and sufficient security to the satisfaction of the Lieutenant-Governor in Council for the payment by the Company of the interest on its bonds issued during construction, and which shall accrue during the time taken to construct and finish the railway.

4. As the work of construction on each of the said railways shall proceed, each Company may issue bonds in form to be approved by the Lieutenant-Governor in Council, payable in twenty-five years, or such other time as may be fixed by the Company and approved by the Lieutenant-Governor in Council, bearing interest at the rate of not exceeding four per cent. per annum, for sufficient moneys from time to time to meet the expenditure upon such construction, and such bonds shall bear coupons for the half-yearly payment of the interest upon such bonds, which bonds, subject to the provisions of section 6 of this Act, shall bear the following endorsement, which endorsement shall be signed by the Minister of Finance, upon the certificate of the Chief Commissioner of Lands and Works, showing that the issuing of the bonds is warranted by the progress of the work:—

“The payment of the interest but not the capital of this bond, at the rate of per cent. per annum, half-yearly, on the first days of January and July in each year, is undertaken and guaranteed by the Government of the Province of British Columbia for years from the day of to the day of , inclusive.”

5. The payment of such coupons shall, after such signature by the Minister of Finance, from time to time, when the same shall fall due, be secured and form a lien or charge on the general revenue of the Province of British Columbia, and the Lieutenant-Governor in Council shall issue his warrant to the Minister of Finance, directing

Issue of bonds.

Endorsement on bonds.

Payment of coupons to be a charge on Provincial revenue.

Guarantee not to exceed twenty-five years.

Total amount of interest to be guaranteed.

Endorsement of bonds.

Companies to assist Provincial Government in obtaining subsidy from Canadian Government.

When guarantee may be given.

him to pay the said coupons from time to time out of any moneys in the Treasury; but in no case shall the guarantee exceed in duration the term of twenty-five years from the date of the bonds.

6. The total amount of interest to be guaranteed by the Government of British Columbia upon the whole of the line of railway, in the case of the Nicola Valley Railway Company, shall neither exceed interest at the rate of four per cent. per annum upon the sum of one million two hundred and seventy-five thousand dollars, nor the cost to the said Nicola Valley Railway Company of the said railway enterprise, whichever shall be the smaller sum; and the total amount of interest to be guaranteed by the Government of British Columbia upon the whole of the line of railway, in the case of the Nakusp and Slocan Railway Company, shall neither exceed interest at the rate of four per cent. per annum upon the sum of nine hundred and twenty-five thousand dollars, nor the cost to the said Nakusp and Slocan Railway Company of the said railway enterprise, whichever shall be the smaller amount.

7. The Minister of Finance may endorse such bonds from time to time, according to the progress of the work, upon the certificate of the Chief Commissioner of Lands and Works; and bonds may also be endorsed upon the like certificate for the cost of rails, plates, and fastenings, the property of the Company, which shall have been brought into the Province, upon such security satisfactory to the Lieutenant-Governor in Council that such rails, plates, and fastenings shall be used in the work:

(7a.) The signature of the Minister of Finance to the coupons may be made by a printed facsimile.

8. Each of the said Companies shall also do all such other acts and things as may be necessary to enable the Government of British Columbia to receive from the Canadian Government the said subsidy of three thousand and two hundred dollars per mile, payable to each of the said Companies.

9. No guarantee shall be given before the completion of the work and acceptance thereof by the Dominion Government, unless and until security, satisfactory to the Lieutenant-Governor in Council, shall have been given by the Company for the payment by the Company of the interest upon its bonds, issued during construction, which shall accrue during such period of construction, it being the intent and meaning of this Act that the Government of British Columbia shall not be liable nor called upon to pay any interest in respect of its guarantee until after it shall have received from the Dominion Government the subsidy of three thousand two hundred dollars per mile in the case of the Nicola Valley Railway Company, and of three thousand two hundred dollars per mile in the case of

the Nakusp and Slocan Railway Company, and after construction no guarantee shall be issued until the work shall have been accepted by the Dominion Government, and the said subsidy of three thousand and two hundred dollars per mile shall have been received by the Province: Provided always that the Lieutenant-Governor in Council may, in anticipation or in lieu of the Dominion subsidy, accept from the Company a cash deposit or payment equal to such subsidy, which cash deposit shall be subject to be dealt with in all respects as if it were the Dominion subsidy, and so far as the Government of British Columbia is concerned shall take the place of the said subsidy.

10. The work of construction from time to time shall be under the supervision of the Chief Commissioner of Lands and Works, who shall be at liberty to appoint an engineer from time to time, and the cost and expenses of such supervision shall be borne by the Company.

Chief Commissioner to supervise work of construction at cost of Company.

11. In case at any time the moneys to be received by the Government from the Canadian Pacific Railway Company or other Company in respect of the gross earnings, as provided for in the said agreement, shall exceed the amount which the Government may have been called upon to pay under its guarantee, and shall also exceed an amount equal to its guarantee for the next ensuing two years, the Government shall pay any such excess over to the directors of the Nicola Valley Railway Company or the Nakusp and Slocan Railway Company, as the case may be.

Payment of excess of moneys.

12. (1.) All moneys paid by the Provincial Government of British Columbia in respect of the guarantee hereby authorized shall constitute a debt due from the Nicola Valley Railway Company or the Nakusp and Slocan Railway Company, as the case may be, to the Government, and shall be a first charge upon all moneys due to the Company under the said agreement with the Canadian Pacific Railway Company or other Company, and upon all moneys received or to be received by the Government in respect of such agreement or in respect of the Dominion Government subsidy, and (subject to the provisions of the next preceding section of this Act) the Government may retain and use as part of the revenue of the Province all moneys received by them, either from the Dominion Government in respect of the said subsidies or from the Canadian Pacific Railway or other Company in respect of the said agreements, so long as any liability shall subsist under the guarantee, and may from time to time and at all times recoup themselves out of such moneys any payments made by them under their guarantee.

All moneys paid by Province to constitute a debt due from Company.

(2.) All moneys paid by the Provincial Government in respect of the guarantee hereby authorized shall, without registration or formal conveyance, be taken and considered to be a claim and charge upon the undertaking and the tolls and property of the Company, real and

And without registration to be a charge upon the property of the Company, subject to charge of bondholders.

personal, then existing and at any time thereafter acquired, second and subject only to the charge given in favour of the bondholders under the Act of incorporation of the Company, and, subject to the rights of the bondholders under such Act, the Minister of Finance for the time being of the Province, in right of the Provincial Government, shall be held and deemed to be a mortgagee or encumbrancer upon the said property of the said Company, second only to the bondholders.

Sale of bonds.

Proceeds of bonds to be held by Province.

Guarantee of interest on bonds of Chilliwack Railway Company.

Guarantee of interest on bonds of the Company by Municipalities of Chilliwack, Sumas, and Matsqui.

13. Notwithstanding anything in this Act contained, the total amount of the said bonds which are or shall be issued by the said Companies, at the request and with the consent of the Company, may be sold and issued, with the authority and consent of the Minister of Finance, on such terms and at such price and at such time as the Company, subject to the consent of the Minister of Finance, approve of: Provided always that the purchase-money and proceeds of the said bonds shall be paid to and retained by the Government of the Province of British Columbia, in the place and stead of the said bonds, until the Company become entitled to receive the same on the certificate of the Chief Commissioner of Lands and Works from time to time as provided by this Act.

14. The Government of British Columbia may guarantee the payment of interest, until maturity, at two per cent. per annum, on bonds of the Chilliwack Railway Company issued to an amount not exceeding twenty-five thousand dollars, or its equivalent in sterling money, per mile of the said railway; the principal of such bonds to be payable not later than twenty-five years from their date, and any agreement entered into in order to carry the provisions hereof into effect shall contain such conditions for securing the interest upon such bonds and enforcing the payment thereof as are authorized by the charter of the Company, and as shall be approved by the Lieutenant-Governor in Council, the Company being hereby empowered to charge its undertaking and its tolls and property, real and personal, then existing and at any time thereafter acquired, with the repayment of all moneys to be paid by the Provincial Government in respect of the guarantees hereby authorized, second and subject only to the charge given in favour of the bondholders under the Company's Act of incorporation.

15. In case at any time an agreement, satisfactory to the Lieutenant-Governor in Council, is entered into by the Company with the Corporations of the Municipalities of Chilliwack, Sumas, and Matsqui, or any of them, for the furnishing by the said Corporations of a guarantee of interest to a further amount of two or more per cent. upon the bonds of the Company to the extent of not exceeding twenty-five thousand dollars per mile, the Government may make

such arrangements for permitting the said Corporations to share any security taken by them for advances hereunder, and such provisions as to the manner of holding the same, as to them seem fit.

16. Sections 14 and 15 of this Act shall be contingent upon an agreement with the Canadian Pacific Railway Company, or some other railway company, and sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 shall, *mutatis mutandis*, apply to the Chilliwack Railway.

Application to
Chilliwack
Railway.

17. The Lieutenant-Governor in Council is also hereby empowered to arrange all details and to enter into all agreements which may be necessary for carrying out the provisions of this Act.

Lieut.-Governor
may arrange for
carrying-out of Act.

18. This Act shall not come into force until a day to be fixed by the Lieutenant-Governor in Council, notice of which shall from time to time be published at least once in the British Columbia Gazette, and shall be in force with respect only to such railway company as shall be specified in such notice.

Commencement
of Act.

19. This Act may be cited as the "Railway Aid Act, 1893."

Short title.

CHAPTER 39.

An Act to make Further Provision respecting the Canadian Western Central Railway Company.

[12th April, 1893.]

WHEREAS it is provided by the Act incorporating the Canadian Western Central Railway Company (hereinafter called "the Company"), being chapter 34 of the Acts passed by the Legislative Assembly of this Province in the fifty-second year of Her Majesty's reign, as amended by the "Canadian Western and Northern Extension and Aid Act, 1892," that the actual work of construction shall be begun by the first day of August, one thousand eight hundred and ninety-three, and there is similar provision in an Act passed in the said fifty-second year of Her Majesty's reign, intituled "An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Canadian Western Central Railway," or in default the rights and privileges granted by the said last-cited Act shall cease and determine:

Preamble.

And whereas it is advisable to confer upon the Lieutenant-Governor in Council power to extend the time for the commencement of the actual work of construction of the said railway for one year:

And whereas it is further advisable to confer upon the Lieutenant-Governor in Council power to authorize a change in the name of the Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the “Canadian Western Extension Act, 1893.”

Extension of time for commencing works.

2. The Lieutenant-Governor in Council may, on such terms (if any) as he thinks fit to impose, extend the time for the commencement of actual work of construction of the Canadian Western Central Railway until the first day of August, one thousand eight hundred and ninety-four.

On notice of extension being published certain rights saved.

3. Upon such extension, notice of which shall be published in the British Columbia Gazette, all rights and privileges conferred upon the said Company by its Act of incorporation, or by any other Act of the Legislature of this Province, shall be saved and retained by the Company, and shall be deemed so to be and may be exercised by the Company or in its favour.

Company may be authorized to change its name.

4. The Lieutenant-Governor in Council may, upon application of the Company in that behalf by resolution of the directors, notice of which application shall be published in four successive issues of the British Columbia Gazette, authorize the Company to change its name to such name as the Lieutenant-Governor in Council may approve, and notice of such change shall be published in the British Columbia Gazette.

CHAPTER 43.

1892, c. 59.

An Act to amend the “Sumas Dyking and Drainage Act, 1892.”

[12th April, 1893.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the “Sumas Dyking and Drainage Amendment Act, 1893.”

2. The "Sumas Dyking and Drainage Act, 1892," is hereby amended by inserting, between sections 11 and 12, the following sections, viz.:—

"11A. The Commissioners elected or appointed under the provisions of the 'Drainage, Dyking, and Irrigation Act' and amendment Acts, for any district which includes within its limits any of the lands mentioned in the Schedule to the 'Sumas Dyking and Drainage Act, 1892,' shall have full power and authority to enter into any agreement or agreements with the Sumas Reclamation Company, Limited, by and under which any of the works which the Company are under their charter authorized to perform may be undertaken by the Commissioners as portion of a general scheme for the reclamation of lands within the district for which the Commissioners are appointed. And the Commissioners are hereby further empowered to contract with the Company for the carrying-out by the Company of the works.

Empowers Commissioners to contract with Sumas Reclamation Company, Limited.

"11B. On the making of any such agreement aforesaid, all the powers in relation to the works embraced within it which are vested in or conferred upon the Company may be exercised by the Commissioners; and the Commissioners shall be bound by the obligations of a public nature imposed upon the Company in connection with the special works embraced in the agreement.

Powers conferred on Company may be exercised by Commissioners.

"11C. The cost of any such works shall be assessed and levied in the manner provided for by the 'Drainage, Dyking, and Irrigation Act' for the assessment and levy of the cost of other contracts made by the Commissioners.

Assessments for cost of works.

"11D. Immediately upon any such agreement aforesaid being entered into between the Commissioners and the Company, the duties as well as the forfeitures defined and provided for in and by the 'Sumas Dyking and Drainage Act, 1892,' shall be suspended during the construction and completion of the special works defined in and by any such agreement aforesaid, in so far as such duties and forfeitures may relate to the special works."

Suspends duties and forfeitures under 1892, c. 59, during special work under agreement.

3. Section 35 of the "Sumas Dyking and Drainage Act, 1892," is hereby amended by adding at the end thereof, after the word "lake," the following words, viz.: "but, nevertheless, the Lieutenant-Governor, by Order in Council, may from time to time extend the time limits hereinbefore mentioned, but no such Order shall take effect until published for one month in the British Columbia Gazette."

Amends s. 35.

CHAPTER 45.

An Act to incorporate the Anglican Synod of the Diocese of New Westminster.

[12th April, 1893.]

Preamble.

WHEREAS a petition has been presented from the Bishop and the Synod of the Diocese of New Westminster, such Diocese consisting of the Districts of New Westminster, Yale, Kootenay, and Lillooet, and a large portion of the Cariboo District, praying that the Synod should be incorporated; and it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation.

1. The Lord Bishop of the Diocese of New Westminster, the licensed clergy of the said Diocese, the Diocesan officials and lay delegates at present being members of the Synod of the Diocese of New Westminster, and such other persons as may hereafter become or be elected members thereof, according to the constitution and canons of the said Synod, shall be and they are hereby constituted and declared to be a body politic and corporate by the style and title of "The Synod of the Diocese of New Westminster" (hereinafter called "the Synod").

Transfer of property to Synod.

2. It shall be lawful for the Corporation of the Bishop of New Westminster, or any other corporation, or any person or persons, to transfer any property, real or personal, held in trust by him or them for the uses of the Church of England, or the Church of England in British Columbia, to the Synod, to be held in trust for the same purposes.

Synod may acquire lands, etc.

3. The Synod may from time to time, and at all times hereafter, inherit, acquire, and hold, as purchasers or otherwise, for the general purposes of the Synod, any lands, tenements, and hereditaments and personal property in the Province of British Columbia, and the same, or any part thereof, from time to time, may sell or exchange, mortgage, lease, let, or otherwise dispose of.

Constitution, canons, etc., to be filed with Registrar-General.

4. The constitution, canons, and rules of order of the Synod, as at present in force, shall, upon a copy thereof duly signed by the Lord Bishop of New Westminster, and under his corporate seal, being deposited with the Registrar-General of Titles at Victoria, be the constitution, canons, and rules of order for the incorporated Synod constituted under this Act, until the same be altered or amended by the Synod in accordance with such constitution and canons; and any additions and amendments made thereto from time

to time, duly attested by the Lord Bishop of New Westminster or his commissary, and under the seal of the Synod, shall be filed in the office of the Registrar-General of Titles at Victoria before the same shall become binding.

5. A copy of the constitution, canons, and rules of order of the Synod, filed in accordance with this Act, and certified correct under the hand and seal of a Notary Public practising as such in the Province of British Columbia, shall be received in evidence in any proceedings in any Court of the Province.

Certified copy of canons, etc., to be received in Courts.

6. The term "Church of England," when used in this Act and in all deeds, documents, or writings that have been heretofore or may hereafter be executed, shall for the purposes of this Act be taken to mean and include that body of Christians which is acknowledged by the Archbishop of Canterbury as a body in full communion with the Church of England, as by law in England established.

"Church of England."

7. Any parish in the Diocese of New Westminster, the limits whereof have been defined by the Executive Committee of the Synod, may become incorporated in the following manner:—

Incorporation of parishes.

(1.) The parish officers, consisting of the rector or incumbent, the two churchwardens, and the two sidesmen for the time being, and two vestrymen elected for that purpose by the electors, shall make and sign a declaration in writing, setting forth—

(a.) The intended corporate name of the parish;

(b.) The names of those who are to be the first trustees, who shall in every case comprise the two churchwardens and two sidesmen;

(c.) The mode in which their successors are to be elected or appointed;

(d.) That the rector or other priest in charge of such parish shall be ex officio a trustee and presiding officer of such parish corporation; and

(e.) Such other particulars as the said officers may think fit, providing the same are not contrary or repugnant to law:

(2.) The declaration shall be made and signed in three parts, and each part thereof shall be certified under the hand and seal of the Lord Bishop of New Westminster, as being approved of by the Executive Committee of the Synod and the Bishop, and shall be signed and acknowledged by the parties making the same before a Notary Public, who shall certify to the same having been so signed and acknowledged under his hand and seal of office:

(3.) The declaration, in three parts, shall be forwarded to the Registrar-General of Titles for the Province of British

Columbia, who shall receive them and file one part thereof in his office, and shall, upon receipt of the proper fees provided in Schedule A hereto for filing and publication of such declaration, forthwith enclose and send a second part of said declaration to the Provincial Secretary, who shall cause the same to be published in the next issue of the British Columbia Gazette, and for at least one month thereafter:

- (4.) The said Registrar-General shall thereupon endorse upon the third part of such declaration, and issue the same to the parties signing such declaration, a certificate of incorporation under his hand and seal, stating that the parish so applying for incorporation is incorporated; and the persons who signed such declaration, and their successors, shall thenceforth be a body corporate and politic in fact and in name, by the name set forth in such declaration, and shall have all the powers, rights, and immunities vested by law in such bodies, with power—
 - (a.) To take, receive, purchase, and otherwise acquire and hold real and personal property, and the same to manage, lease, and, with the consent of the Executive Committee and the Bishop, mortgage, sell, or otherwise dispose of;
 - (b.) To sue and be sued in any Court;
 - (c.) To make and use a corporate seal, and alter the same at pleasure;
 - (d.) To elect and appoint such officers, agents, and servants as may be necessary for conducting the business and management of such corporation, or any property belonging to the same;
 - (e.) To make by-laws, rules, and regulations for the management of the affairs of the said corporation, and to alter, amend, and rescind the same; providing always that all such by-laws, rules, and regulations, and all amendments thereof, shall be assented to by the Executive Committee of the Synod and the Bishop before they shall become operative, and such assent shall be certified under the hand and seal of the Lord Bishop of New Westminster:
- (5.) Two copies of the by-laws, rules, and regulations so made and assented to from time to time, or any amendments thereto, shall be filed in the office of the said Registrar-General:
- (6.) The real and personal property and other assets of such corporation only shall be liable for the debts of the corporation, and no officer, churchwardens, or vestrymen shall be individually or personally liable for any debt or other liability of such corporation:

- (7.) The fees payable under this Act shall be paid into the Consolidated Revenue Fund of the Province.

SCHEDULE A.

Filing declaration \$5 00

Filing by-laws or amendments thereto 2 50

Publication in the British Columbia Gazette, according to the scale of charges defined in Schedule A of the "Statutes and Journals Act."

Bedlington and West Kootenay Railway Company *12th April, 1893.*

British Columbia Southern Railway (Amendment) *12th April, 1893.*

Burrard Inlet and Fraser Valley Railway Company

(Amendment) *12th April, 1893.*

Columbian Methodist College *12th April, 1893.*

CHAPTER 50.

An Act to remove Doubts concerning the Validity of certain Conveyances of Land.

[*12th April, 1893.*]

WHEREAS it is expedient to remove doubts which have arisen concerning the validity of certain conveyances of land hereinafter referred to:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Every conveyance of land in the execution of which any person acting as attorney for the Honourable Sir Donald A. Smith, K.C.M.G., of the City of Montreal, in the Province of Quebec, or Richard B. Angus, Esquire, of the same place, has adopted as sufficient the signature of his principal, though not written by the attorney himself, and everything contained in such conveyance are and shall be held to have been from the time of its execution as valid and binding as if such signature had been written by the attorney himself.

Kaslo Electric Light, Power, and Waterworks Company (Limited)	12th April, 1893.
Kaslo and Slocan Tramway Company	12th April, 1893.
Kootenay Lake Shore and Lardo Railway Company	12th April, 1893.
Lardeau and Kootenay Railway Company	12th April, 1893.
Mount Tolmie Park and Cordova Bay Railway Company	12th April, 1893.
Nakusp and Slocan Railway Company	12th April, 1893.
Nelson and Arrow Lake Railway Company	12th April, 1893.
Nelson Electric Light Company (Amendment)	12th April, 1893.
Osoyoos and Okanagan Railway Company	12th April, 1893.
Pacific Telephone and Cable Company	12th April, 1893.
Red Mountain Railway Company	12th April, 1893.
Roman Catholic Bishop of New Westminster	12th April, 1893.
Vancouver Incorporation (Amendment)	12th April, 1893.
Vancouver Young Men's Christian Association	12th April, 1893.
Victoria Masonic Temple Association	12th April, 1893.

CHAPTER 66.

An Act respecting the Official Map of the City of Victoria,
and Subdivisions of Lands within the Boundaries of
the said City.

[12th April, 1893.]

Preamble.

WHEREAS, on the seventh day of May, 1880, an Act entitled the "City of Victoria Official Map Act, 1880," was passed by the Legislative Assembly of this Province:

And whereas divers Acts have since been passed amending the "City of Victoria Official Map Act, 1880":

And whereas it is desirable to further amend and consolidate the said Acts:

And whereas it is also desirable to provide for the preparation and filing of an official map of the extended limits of the City of Victoria:

And whereas it is desirable to enact provisions respecting plans of subdivisions of lands within the limits of the Corporation of the City of Victoria:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. In the construction of this Act the following expressions shall have the following meanings respectively:—

"The Corporation" shall mean the Corporation of the City of Victoria:

"The Council" shall mean the present or any future Council of the Corporation of the City of Victoria, as the same shall be constituted under the provisions of the "Municipal Act, 1892," or any Statute passed by the Legislative Assembly of this Province amending or as a substitution for the said Act:

"The Engineer" shall mean the person holding the position of City Engineer or City Surveyor for the Corporation of the City of Victoria, or such other person as shall from time to time, during any of the periods mentioned in this Act, hold a similar position or perform the like duties for the Corporation as is now held and are performed by the City Surveyor or the City Engineer:

The expression "Registrar-General" shall mean the person for the time being occupying the office of the Registrar-General of Titles at the City of Victoria:

The expression "the Court" shall mean the Supreme Court of British Columbia:

The expression "Judge" shall mean any Judge of the said the Supreme Court of British Columbia:

The expression "the Divisional Court" shall mean the Divisional Court of the said the Supreme Court of British Columbia:

Arbitration.

2. Whenever in this Act an arbitration is mentioned, the appointment, rights, powers, and duties of the Board of Arbitrators thereby provided for, the practice relating to, and the conduct of the reference, the award upon the said arbitration, and generally all proceedings relating thereto, shall be governed by the provisions of the "Arbitration Act, 1893."

Official Map of Original Limits.

3. The official map of the City of Victoria as it is now filed in the office of the Registrar-General, together with such amendments as may hereafter be made in pursuance of the provisions of this Act, shall, since the filing of the said map, be deemed to have been, and shall hereafter be taken, as final and conclusive evidence of the boundaries of all streets within the municipal limits of the Corporation which are laid out upon the said official map, or described in any amendments thereto, and all such street boundaries shall be ascertained and defined in accordance with the said map or plan, or amendments thereto as aforesaid; and all copies thereof duly

How proceedings
to be governed.

Official map and
street boundaries.

Certified copies to
be received in all
Courts.

certified by the Registrar-General shall be received in all Courts in British Columbia as true evidence of the original survey of such street boundaries or lines:

Permanent
monuments.

4. The stone monuments now placed at the several governing points or centres of streets in accordance with the "City of Victoria Official Map Act, 1880," the "City of Victoria Official Map Amendment Act, 1881," the "City of Victoria Official Map Act, 1883," the "City of Victoria Official Map Amendment Act, 1888," and the "City of Victoria Official Map Amendment Act, 1889," shall, together with the monuments to be placed in accordance with the provisions of this present Act, be taken and considered to be the permanent monuments truly and correctly indicating the several governing points and centres and side lines of streets aforesaid within the municipal limits of the Corporation.

Stone Monuments to be placed on certain Streets.

Power to place
durable monuments
for certain posts
or monuments.

5. It shall be lawful for the Corporation, by resolution of the Council, to authorize the Engineer to place stone or other durable monuments in the position originally intended, according to the official map, for the following stone posts or monuments, that is to say:—

Where monument
to be placed.

That on Government Street at or near Bastion Street; Chambers Street, at or near Queen's Avenue; the west end of a street in Spring Ridge, lying parallel with and between Putnam and North Chatham Streets, commonly known as "Vining Street"; Pandora Street, opposite Lot 10, Block 15; Cook Street, at or near Pandora Avenue; Pembroke Street, in line with the eastern boundary of Lot 763; Broad Street, at or near Pandora Avenue; at the east end of Vining Street, on Spring Ridge, where it joins Fernwood Road; at the east end of Putnam Street, Spring Ridge, where the said street joins Fernwood Road; at the west end of Alfred Street, Spring Ridge, where it joins Chambers Street; on Douglas Street, at or near Pembroke Street; Government Street, at or near Johnson Street; Store Street, at or near Constance Street; Store Street, at or near Cormorant Street; Johnson Street, near Wharf Street; Johnson Street, at west line of Government Street; Johnson Street, at east line of Government Street; Johnson Street, west line of Douglas Street; Johnson Street, east line of Douglas Street; on Fort Street, at or near Government Street; on Mears Street, at or near Cook Street.

How Engineer to
locate reference
points.

6. The Engineer may locate the monuments referred to in the preceding section according to the positions shown by the reference measurements given on the official map as already filed, but if the

said reference points have been removed or cannot be located, then the Engineer, for the purpose of re-establishing the said monuments, may act upon the best evidence which he can obtain, and in the latter event it shall be the duty of the Engineer to re-reference each of the said monuments from some permanent object in the vicinity; and he is also, in the said latter event, hereby authorized to amend the present official map of the Corporation by marking such last-mentioned reference points thereon, and certifying the same over his signature on the said map.

Defining Street-lines in the Fort Property.

7. The Corporation may, by resolution of the Council, authorize the Engineer to determine and establish upon the ground stone or other monuments of a permanent description which shall be the governing points for the purpose of defining the centre and side lines of all streets within the area of the municipal limits of the Corporation, bounded by the following streets, namely: On the north by the north side of Bastion Street, on the south by the south side of Humboldt Street, on the east by Government Street, and on the west by the west side of Wharf Street.

Power to authorize Engineer to define street-lines in Fort property.

Defining Street-lines in other portions of the City.

8. The Corporation may also, by resolution of the Council, authorize the Engineer to determine and establish upon the ground stone or other monuments of a permanent nature which shall be the governing points for the purpose of defining the centre and side lines of the streets to which the following names have been given, that is to say:—

Other street-lines, which may be defined.

Victoria Crescent; Burdette Avenue; Blanchard Street (extension); east portion of Churchway; Penwill Street; Princess Avenue and Queen's Avenue, between Douglas and Government Streets; Princess Avenue, from Blanchard Street to Spring Street; Market Street; Orchard Street; Ormond Street; Cornwall Street; Oscar Street; Howe Street; Snowden Street; Richardson Street, from Moss Street to the city limits, as defined by the letters patent issued on the ninth May, 1873; Belcher Street, from Cook Street to the said city limits; Pemberton Road, from Cadboro Bay Road to the said city limits; Fairfield Road, from Moss Street to the said city boundary; Cook Street, from Richardson Street to the Straits of Fuca; Packington Street; Southgate Street; Pendergast Street; Sutej Street; Wallace Street; Mears Street, from Quadra Street to Vancouver Street; Coutts Street; Yates Street (extension); Belville Street, from Menzies Street to Maclure Street; San Juan Avenue; Lewis Street; St. James Street; Corbary Street; Sylvia

Street; Stafford Street; St. Andrew's Street; Clarence Street; Croft Street; Rendal Street; Battery Street; Boyd Street; Princess Street; Parry Street; Powell Street; Young Street; Avalon Street; Phoenix Street; extension of Rupert Street from Collinson to Maclure Street; Edmonton Street; Bay Street; Spring Street; Cedar Hill Road and Queen's Avenue, where they cross Section 73, Spring Ridge; Camosan Street; North Pandora Street; South Pandora Street; Johnson Street; Stelly Street and North Park Street, on Spring Ridge; Caledonia Avenue; North Park Street, from Cook to Chambers Streets; Putnam Street, from Cook to Chambers Streets; Alfred Street, from Cook to Chambers Streets; Elizabeth and Rebecca Streets; east portion of Frederick Street; Green Street; Amelia Street; Herald Street west of Store Street; Telegraph Street; London Road or North Road; North Pembroke Street; North Chatham Street; Vining Street; Bodwell Street; Alfred Street; Pandora Street North; Harrison Street; Stanley Avenue; Milne and Grant Streets, on Fernwood Estate; also Fifth, Sixth, Seventh and Eighth Streets, Hill Street, Cook Street, and Bay Street, on the Work Estate; the north end of Pleasant Street, and the south end of Rock Bay Avenue and Short Street, on the Harbour Estate:

Proviso.

Provided, however, that the monuments mentioned in this section shall be placed in such positions as that the centre and side lines of the said streets shall be identical with the said lines as they are now laid down upon the plans of the subdivisions of the lands comprising the said streets, as filed by the owners thereof.

Provisions for Further Monuments.

Power to establish other durable monuments for facilitating reference to street-lines already located.

9. It shall also be lawful for the Engineer from time to time, as he shall see fit, to establish upon the ground stone or other monuments of a durable nature, at such points as he may deem proper, for the purpose of facilitating the references to the centre and side lines of the streets in the city, as already located and marked upon the official map: Provided, however, that in no case shall any such monument be placed so as to interfere with or vary in any manner the centre or side line of any street as already established in the city.

Making Alterations in the Official Map in pursuance of the Preceding Sections.

Power to amend official map.

10. It shall be lawful for the Corporation, by resolution of the Council from time to time, to authorize the Engineer to amend the official map now deposited with the Registrar-General, by plotting the lines of the said streets referred to in section 7 of this Act, and

by marking the positions of the stone monuments referred to in the four preceding sections of this Act, or any of them, and to certify to the said amendments and the date thereof over his signature on the said map.

Official Map of Extended Limits.

11. It shall be lawful for the Corporation, by resolution of the Council, to cause to be prepared, under the direction of the Engineer, an official map or plan of the extended limits of the Corporation, which said extended limits, for the purposes of this section, shall be deemed to include all the lands described in section 16 of the "City of Victoria Act, 1892," which are not mentioned in the letters patent dated the ninth day of May, 1873.

Authority for map of extended limits.

12. The said plan, when so prepared, shall be certified and signed by the Engineer, and shall be deposited in the office of the Registrar-General.

Same to be certified and filed.

13. The said map or plan, when so certified and deposited, and any or all new map or maps of any further extension of the limits, together with any amendments or additions thereto which may at any time hereafter be made under the authority of this Act, shall be deemed to be the official map of the area of the Corporation thereon described, and shall be taken as final and conclusive evidence of the boundaries of all streets in the said area; and all street boundaries in the said area shall thereafter be ascertained and defined in accordance with the said map or maps; and all copies of the said map or maps, duly certified by the Registrar-General, shall be received in all Courts in British Columbia as true evidence of the original survey of such street boundaries or lines.

Said map to be official map and conclusive evidence of street boundaries in extended limits.

Certified copies to be received in all Courts.

14. Upon the completion of any of the said maps or plans, or of any amendments or additions thereto as aforesaid, stone monuments, or monuments of other durable material, shall be placed at the governing points and along the centre line of each street within the area shown upon the said official map or maps, or amendments or additions thereto respectively.

Durable monuments to be placed in streets within extended limits.

15. The stone monuments finally placed at the governing points and centres of streets in the said area, in accordance with the map or maps, or amendments or additions thereto as aforesaid, shall be taken and shall be deemed to be the permanent monuments truly and correctly indicating the several governing points, centres and side lines of the streets aforesaid.

Same to be permanent monuments.

Provision for Map of Further Extension of Limits.

16. In case at any time hereafter the boundaries of the municipal limits of the Corporation shall be further extended, it shall be lawful

Map on further extension of limits.

for the Corporation, by resolution of the Council, to cause, from time to time, the area of lands comprised in such extended limits to be surveyed by the Engineer and plotted and certified by him upon the map or plan deposited under the provisions of sections 11 and 12 of this Act by way of amendment thereto; or in the alternative, if the Council shall see fit, they may, by resolution, authorize an entirely new map or plan of such further extension or extensions of the municipal limits to be made and certified from time to time by the Engineer and deposited with the Registrar-General.

Durable monuments to be placed when amendments or new map made.

17. Whenever any such amendment or amendments, or new map or maps, is or are made, stone or other durable monuments shall be placed by the Engineer at the several governing points and centres of streets in the area comprised in such amended or new map or maps.

Monuments removed may be replaced.

18. If at any time it shall be discovered that any such monuments shall not have been placed or shall have been removed from the several governing points or centres of streets aforesaid, it shall be lawful for the Council, by resolution, to authorize the Engineer to place, or replace, such monuments in the position shown by the said map or maps, or by any of the amendments or additions thereto, as aforesaid.

Further Amendments to Official Maps.

How omissions to official maps rectified.

19. If at any time hereafter it shall be discovered that there has been an omission to mark upon any map or maps referred to in this Act the position of any stone or other monument referred to herein, it shall be lawful for the Council, by resolution, to authorize the Engineer from time to time to further amend any of such map or maps by marking the position of such monument or monuments thereon; and when such further amendment or amendments are made and certified by the Engineer, with the date thereof, the provisions of this Act shall apply to such amendments in the same manner as if they had been shown on the said map or maps when the same was originally deposited.

Ascertaining the Boundaries of Lands abutting on Streets.

Boundaries to be surveyed at expense of applicant for same.

20. Any person owning, or occupying, or having an interest of any kind in any land abutting upon any street within the Municipal limits of the Corporation, or the agent of any such person, may at any time apply to the Corporation to cause the boundary-line of that portion and side of the street upon which such land shall abut to be surveyed and marked out; and it shall thereupon be the duty of the Corporation to cause such boundary-line to be surveyed and marked out in accordance with the official map or plan of the area compris-

ing the said street; the cost of such survey to be determined by the Engineer and to be paid in advance by the person so applying therefor.

Encroachments upon Streets.

21. Any land shown by any of the official map or maps of the Corporation, or by any amendments or additions thereto, to be included within the limits of any street shall be deemed to be a portion of such street, notwithstanding that the same may be, or at some previous time may have been, in the possession of any person or persons, or that there are any buildings or improvements thereon; and it shall be the duty of the tenant, owner, or other person interested in the land in front of which such street-line shall be defined as aforesaid, upon receiving notice to that effect from the Corporation, and upon being paid the compensation hereinafter provided for, to remove from off the street all fences, buildings, and other improvements which shall be shown by the said boundary-line to be upon the street; and in default of compliance with such notice it shall be lawful for the Corporation to cause such fences, buildings, and other improvements to be removed from such street as aforesaid, and the cost of effecting such removal may be recovered by the Corporation against the owner of such land by action in any Court of competent jurisdiction: Provided always that any person, before he shall be required, under the provisions of this Act, to give up and surrender such land, or to remove any such fences, buildings, or other improvements from such land, shall be entitled to receive and shall be paid by the Corporation a reasonable compensation therefor; the amount of the compensation to be agreed upon between the said person and the Corporation, or in case of disagreement, to be referred to and decided by a Board of Arbitrators, to be appointed as hereinafter mentioned, namely: The Corporation shall appoint one, the owner, tenant, or other person making the objection shall appoint another, and such two arbitrators shall appoint a third arbitrator within twenty days after their appointment.

Person occupying land forming portion of street to remove fences, buildings, etc., on receiving notice and compensation.

In default of compliance, Corporation may effect removal and recover cost.

Provide that compensation be first paid.

Arbitration in case of dispute.

22. Whenever any person shall be entitled to compensation under this Act, it shall be the duty of the Corporation to tender to such person or his agent such sum of money as the Corporation shall consider the proper compensation for the damage sustained by such person; and in the event of such tender not being accepted and an arbitration being held under the provisions of this Act, then in case the arbitrators shall not award any greater sum than the amount tendered as aforesaid, the costs of the arbitration, including the costs of the Corporation, shall be in the discretion of the arbitrators; but in case the said arbitrators shall award to the said claimant a greater amount than that tendered as aforesaid, or in case no tender shall have been made and compensation shall have been awarded to

Requires compensation to be tendered.

And if amount not accepted and arbitration held, as to costs of arbitration.

the claimant, the costs of such arbitration, including the costs of the claimant, shall be borne by the Corporation.

Subdivisions of Lands within the City Limits.

Sections to apply in addition to provisions of C.A. 1888, c. 67.

23. In addition to the provisions of the "Land Registry Act," the following sections shall apply to all subdivisions of land within the municipal limits of the Corporation:—

Preliminary proceedings on application to Supreme Court Judge for order to deposit plans with Registrar-General.

24. Whenever any person is desirous of depositing a plan of a subdivision of any land within the municipal limits of the Corporation, he shall cause the same, or a tracing or true copy thereof, to be delivered at the office of the City Clerk, together with a notice in writing stating that at a time and place to be specified in such notice (but which time shall not be less than four clear days from the service of such notice) the person desirous of depositing the said plan will apply to one of the Judges of the Court for an order allowing the applicant to deposit the same with the Registrar-General.

Copies of affidavits and abstract of other evidence to be used to be delivered with notice.

25. There shall also be delivered with the said notice copies of all affidavits and an abstract of such other evidence as is intended to be used by the applicant on the hearing of the motion mentioned in the notice.

At time fixed order may be applied for.

26. At the expiration of the time mentioned in such notice, or upon such other day or hour as may be appointed by the Judge for that purpose, the person so desirous of depositing the said plan, or his solicitor or counsel, may apply to a Judge of the Court for an order allowing the said plan to be deposited.

Corporation to be heard on application.

27. The Corporation shall be entitled to appear upon the hearing of such application by their solicitor or counsel, and to raise any objection to the filing of the said plan which they may deem proper.

Notice of objection against deposit of plan.

28. The Corporation shall, before the return day of any such application, give to every applicant notice in writing of all objections intended to be raised against the deposit of any such plan.

How proceedings on hearing and costs to be governed.

29. All proceedings upon the hearing of the said application and the costs thereof shall be governed, as far as possible, by the practice of the Court relating to motions generally.

Evidence to be received by Judge on hearing.

30. The Judge may, upon the hearing of any such application, receive and act upon any evidence which is now received by the Court on a question of title, and any evidence which the practice of English conveyancers authorizes to be received on an investigation of a title out of Court, or any other evidence, whether the same is or is not receivable or sufficient in strict point of law, or according to the practice of the Court, provided the same satisfies the Judge of the truth of the facts intended to be made out thereby.

31. All proofs required may be made by or in the form of affidavits or certificates, or may be made viva voce, or may be in any other manner or form that, under the circumstances, is satisfactory to the Judge in regard to the matters to which the same may relate.

Proof to be
by affidavit or
viva voce.

32. If upon the hearing of the application the Judge is satisfied that the plan proposed is sufficiently definite as to boundaries, and that provision is made thereon for proper streets, not less than sixty feet in width, and is in other respects a fit and proper plan to be filed, he shall make an order allowing the said plan to be deposited with the Registrar-General; or the Judge may direct any amendment or amendments to be made to the said plan before allowing the same to be deposited, and for that purpose may adjourn the said application for such time, and from time to time, as he may deem expedient.

Order on hearing.

33. An appeal shall lie to the Divisional Court from the order of any Judge made upon the hearing of any such application.

Appeal.

34. The Judge or Divisional Court, as the case may be, may make such order as to costs as such Judge or Divisional Court may see fit.

Costs.

35. Notwithstanding anything contained in the "Land Registry Act," or in any law in force in this Province, no plan or subdivision of land within the area of the municipal limits of the Corporation shall be deposited with the Registrar-General, except under the authority of an order of a Judge obtained in the manner hereinbefore stated: Provided, however, that any such plan, when so filed, may be afterwards altered or amended in the same manner and under the same conditions as if this Act had not been passed.

No plan to be
deposited with
Registrar-General,
except by order of
a Judge.

Amendment to plan.

Repealing Clause.

36. The "City of Victoria Official Map Act, 1880," the "City of Victoria Official Map Amendment Act, 1881," the "City of Victoria Official Map Act, 1883," the "City of Victoria Official Map Amendment Act, 1888," and the "City of Victoria Official Map Amendment Act, 1889," are hereby repealed: Provided always that such repeal shall not invalidate any act or any right or privilege done or acquired under or in pursuance of the said repealed Acts or any of them.

Acts repealed.

Short Title.

37. This Act may be cited as the "City of Victoria Official Map Act, 1893."

Short title.

Cariboo Hydraulic Mining Company	11th April, 1894.
Sale of Lands to Bishop of New Westminster.....	11th April, 1894.
Fraser River Bridge	6th April, 1894.
Horsefly Hydraulic Mining Company	11th April, 1894.

CHAPTER 31.

1884, c. 20.

An Act to amend "An Act respecting the Union of certain Methodist Churches in Canada" (47 Victoria, Chapter 20).

[11th April, 1894.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Amends s. 4.

1. Section 4 of the said Act is hereby repealed, and the following section substituted in lieu thereof:—

Registration of lands.

"4. Each and every Registrar-General of Titles or District Registrar of Titles shall, upon receiving from the secretary of the general conference, or from the president or secretary of any annual conference in British Columbia, a notification of the lands in British Columbia affected by this Act, enter a note or memorandum thereof, giving the number and title of this Act and of the said Act of incorporation, and the respective dates of the passing thereof, upon the record of title of each lot or parcel of land affected thereby. All copies of the basis of union, rules, regulations, and discipline, or any amendments or alterations thereof, published in any book of discipline or minutes of conference under the direction or authority of the general conference of the Methodist Church, or a copy of any by-law or resolution of said general conference, under the seal of the corporation, shall be prima facie evidence in all Courts of the Province of British Columbia of the contents thereof."

Evidence of basis of rules, etc.

2. Section 5 of the said Act is hereby repealed, and the following section substituted in lieu thereof:—

Fees on registration.

"5. The fees payable in respect of any such note or memorandum shall be the sum of one dollar and fifty cents for each title affected thereby."

CHAPTER 37.

An Act to amend the "Railway Aid Act, 1893." 1893, c. 37.

[11th April, 1894.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Railway Aid Act (1893) Amendment Act, 1894." Short title.

2. The power conferred upon the Lieutenant-Governor in Council by the "Railway Aid Act, 1893," to authorize a guarantee of interest upon the bonds of the Nicola Valley Railway Company and the Chilliwack Railway Company is hereby extended in such manner as to authorize a guarantee of both the principal and interest thereupon of the bonds of either or both of the said Companies to an amount not exceeding one-half the cost of construction thereof, as ascertained by a contract, to be approved by the Lieutenant-Governor in Council, entered into after approved tenders have been publicly called for, and whether a similar guarantee is or is not obtained from the municipal corporations in said Act referred to; but in no case shall the guarantee for either Company exceed the sum of seven thousand dollars per mile, and interest thereon at a rate not to exceed four per cent. per annum. Extends the powers given by said Act to certain railways.

3. So much of the provisions of the said Act as relates to the payment to the Government of the Dominion subsidy and the percentage of gross earnings shall be read as referring only to one-half of said subsidy and percentage of gross earnings, and such half of subsidy and gross earnings shall be held for the purposes in said Act mentioned, and all other provisions of the said Act and the conditions therein imposed shall, except as varied hereby, apply to the guarantee hereby authorized: Provided always that in lieu of paying to the Company the excess of moneys received on account of subsidy and gross earnings, the same shall be held and invested to form a sinking fund for the payment of the principal of the bonds at maturity. Defines more clearly provisions relating to Dominion Government subsidy.

CHAPTER 39.

173

An Act respecting the British Columbia Southern Railway.

[11th April, 1894.]

Preamble.

WHEREAS, by an Act passed at the last session of the Legislature of this Province, intituled "An Act to make Further Provision for a Land Subsidy for and in aid of the British Columbia Southern Railway," and chaptered 36, the provisions of the "Railway Aid Act, 1890," were applied to the said railway, as subdivided into sections by the "British Columbia Southern Railway Act Amendment Act, 1893":

And whereas, by subsection (a) of section 8 of an Act passed at the present session of the Legislature, intituled "An Act to consolidate and amend certain Acts relating to the British Columbia Southern Railway Company," the Company is given power to shorten the eastern section of the line of the railway by omitting the spur from the Kootenay River to the forty-ninth parallel, and by subsection (d) of said section 8 is given power to construct a branch line from a point on the main line at or near the Forks of Michel Creek, thence by way of Michel Creek to Marten Creek:

And whereas it is advisable to continue the existing land grant to the said railway, but so that no further grant shall be made for that portion of the line authorized by subsection (d) of said section 8, and to authorize the issue of the grant for the eastern section without compelling the construction of the spur to the forty-ninth parallel:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "British Columbia Southern Railway Aid Act, 1894."

Extends grant of said railway.

2. The grant in favour of the British Columbia Southern Railway, authorized by the "Railway Aid Act, 1890," as amended by "An Act to make Further Provision for a Land Subsidy for and in aid of the British Columbia Southern Railway Company," is hereby extended and applied to the several sections of said railway as described in subsections (a), (b), and (c) of section 8 of the "British Columbia Southern Railway Act, 1894."

Certain part of said railway omitted from guarantee.

3. It shall be a sufficient compliance with the provisions of section 1 of the said "Railway Aid Act, 1890," as amended by section 2 of the said amending Act, as respects the eastern section of said rail-

way, that guarantee be given for the completion of the said eastern section, omitting the spur from the Kootenay River near Elk River to the forty-ninth parallel.

CHAPTER 41.

An Act to amend the "Kaslo and Slocan Railway Subsidy Act, 1892." 1892, c. 37.

[11th April, 1894.]

WHEREAS, by the Statute 55 Victoria, chapter 52, being the Preamble. "Kaslo-Slocan Railway Act, 1892," certain persons therein named were incorporated into a company, under the name of the "Kaslo and Slocan Railway Company," with power, inter alia, to lay out, construct, and operate a railway of standard gauge between certain points therein mentioned:

And whereas, by the Statute 55 Victoria, chapter 37, being the "Kaslo and Slocan Railway Subsidy Act, 1892," the Lieutenant-Governor in Council is authorized to grant the said Company certain lands upon the condition, inter alia, that the Company should commence and construct the said standard-gauge railway in accordance with the provisions in the said Act of incorporation contained:

And whereas, by an Act of the present session of the Legislature, intituled "An Act to alter the Gauge of the Kaslo-Slocan Railway, the said Company is empowered, if it so elects, to lay out, construct, and operate a narrow-gauge railway in lieu of the standard-gauge railway authorized by its said Act of incorporation:

And whereas it is expedient to apply the power to make the said grant to the case of a narrow-gauge railway, as well as a broad-gauge railway, and to authorize the substitution of other lands under certain contingencies:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Kaslo and Slocan Railway Subsidy Amendment Act, 1894." Short title.

2. The lands authorized to be granted to the Kaslo and Slocan Railway Company under the provisions of the "Kaslo and Slocan Railway Subsidy Act, 1892," may, notwithstanding anything to the Confirms lands granted by 1892, c. 37, notwithstanding narrow gauge.

contrary appearing in the said Act, be granted to the said Company, although they may adopt a narrow gauge of railway pursuant to the provisions of an Act passed during the present session, intituled "An Act to alter the Gauge of the Kaslo-Slocan Railway."

Authorizes further grant of land in case certain location useless.

3. Where it shall be found practically useless for the purposes of the Company to locate alternate sections of land, as provided in the "Kaslo and Slocan Railway Subsidy Act, 1892," it shall be lawful for the Lieutenant-Governor in Council to grant to the Company other lands in the District of West Kootenay, whether along the line of railway or not, such lands to be selected in blocks of not less than one mile square, but so that such other land shall not exceed in area one-half of the lands which otherwise the Lieutenant-Governor might have granted to the Company, and not exceeding in the whole sixty thousand acres.

Lands last mentioned to be open for purchase.

4. The lands which may be granted to the Company under section 3 of this Act shall be open for purchase from the Company by any person or persons upon similar terms to those provided for the acquisition of Crown lands by the "Land Act Amendment Act, 1891," save that the Company may sell such lands at prices less than those provided in such Act, either for cash or upon credit, at rates of interest not exceeding six per centum per annum. All the proceeds of such sales may be held and retained by the Company for their own use.

Nelson and Fort Sheppard Railway.....11th April, 1894.

CHAPTER 44.

An Act respecting the Official Map of Quamichan District.

[11th April, 1894.]

Preamble.

WHEREAS in the year 1859 a survey was made of Quamichan District, and a map purporting to correctly represent such survey was compiled from the field-notes of the surveyor, and was and is deposited in the Land Registry Office, Victoria, as the official map of said district:

And whereas numerous errors have been found to exist in said map, which does not properly represent the said survey, or show the

true location of the monuments planted to mark the boundaries thereby established, and there is a further conflict between said plan and an independent survey of certain Indian reserves in said district:

And whereas there has been prepared a map of said Quamichan District which shows the surveyed lines as they actually are upon the ground, which said map, and the field-notes from which it is compiled, show clearly and correctly describe the boundaries of all parcels of land as accepted and in the possession of the property-owners at the present time, and agrees with the descriptions in the Crown grants and other title deeds to the property in said district heretofore erroneously described in reference to the aforesaid official map:

And whereas it is advisable, in order to remove all doubts and to secure the title of the land in said district to the parties to whom they justly belong, that the newly compiled map should be substituted for the old official map:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Quamichan Official Map Act, Short title. 1894.”

2. The map or plan of “Quamichan District, B.C.,” dated at the Lands and Works Department, Victoria, on twentieth January, 1894, and bearing the signature of the Chief Commissioner of Lands and Works, is hereby substituted as the official map of said district for and in the place and stead of the map or plan now on file in the Department of Lands and Works and in the office of the Registrar-General of Titles, which latter map or plan is hereby cancelled and declared null and void.

Substitutes a certain map for the official map of said district.

3. A true copy of said substituted map shall be prepared and certified by the Chief Commissioner of Lands and Works as a true copy of the original map, and deposited in the office of the Registrar-General of Titles.

Copy of substituted map to be filed with Registrar-General of Titles.

4. All Crown grants or certificates of title issued in respect of any lands situate in the said district, and all other deeds and documents in respect of any of the said lands in describing the parcels whereof reference is made to the official map or plan of Quamichan District, whether made, executed, or issued before or after the passing of this Act, shall be construed as referring, and shall be deemed to refer, to the official map or plan authenticated and validated by this Act and substituted for the plan hereby cancelled, and all such parcels shall be governed by the dimensions and descriptions shown upon or taken from said substituted map or plan.

To what map Crown grants, etc., to refer.

Coming into
force of Act.

5. This Act shall not come into force until a day to be fixed by Proclamation of the Lieutenant-Governor, published in the British Columbia Gazette.

Three Forks Grant.....6th April, 1894.

CHAPTER 51.

An Act to authorize a Grant of certain Lands to the Westminster and Vancouver Tramway Company.

[11th April, 1894.]

Preamble.

WHEREAS the Westminster and Vancouver Tramway Company, in pursuance of the powers vested in them by their charter, have constructed and are operating a line of tramway between the Cities of New Westminster and Vancouver:

And whereas the said line of tramway passes both through the lands of private owners and through public lands:

And whereas the private owners have contributed, in aid of the enterprise, donations of portions of the land traversed by the tramway, and it is expedient that a similar grant of public lands should be made, and the Company have expressed their willingness to accept the lands hereinafter described:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Authorizes the
Lieut.-Governor in
Council to grant to
Vancouver Tramway
Company certain
lands in New West-
minster District.

1. The Lieutenant-Governor in Council may grant to the Westminster and Vancouver Tramway Company all those certain pieces or parcels of lands situate, lying, and being in Group One (I.), New Westminster District, and being composed of all those portions of Lots Thirty-six (36) and Fifty-one (51) in said Group One (I.), containing, respectively, one hundred acres and ninety-six acres of land, be the same more or less, which lie to the north of the right-of-way heretofore granted to said Company.

Short title.

2. This Act may be cited as the "Westminster and Vancouver Land Bonus Act, 1894."

CHAPTER 52.

An Act relating to certain Public Works in the Corporation of the Township of Chilliwack.

[6th April, 1894.]

WHEREAS the Council of the Corporation of the Township of the District of Chilliwack borrowed upon the credit of By-law No. 18, known as the "Big Prairie Drainage By-law," the sum of thirteen thousand dollars, to be repaid as provided by the provisions of said by-law:

Preamble.

And whereas the moneys so borrowed as aforesaid were expended by the said Corporation in or towards the construction of the said works:

And whereas the majority both in number and value of the owners of lands benefitted by said works desired the same to be constructed and are satisfied therewith:

And whereas a few of the owners of the lands benefitted by said works are dissatisfied and have refused to pay the assessments levied upon their lands, in consequence thereof:

And whereas upon trial in the County Court of the liability of such owners to pay such assessments it was declared that no liability existed:

And whereas before such trial debentures had been issued and money borrowed and expended as aforesaid:

And whereas it is expedient to confirm the acts of the said Corporation and to validate the said by-law and debentures, and to make provision for the principal and interest thereby to be secured:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The by-law annexed hereto as Schedule A, known as "By-law No. 18 of the Municipality of Chilliwack," is hereby confirmed, and is now and has been since the passing thereof, and shall be a good and valid by-law, and all debentures issued thereunder are and shall be good and valid debentures according to the terms of the said by-law.

Confirms By-law No. 18 of Chilliwack Municipality.

2. All lands assessable under such By-law No. 18 of the Municipality of Chilliwack are, since the passing thereof, and shall be assessable according to the terms of the said by-law, notwithstanding any want of form, substance, time, delay in finally passing such by-law, or other defect whatsoever in such by-law existing or supposed to exist.

Lands assessable under such by-law, notwithstanding want of form or other defect.

Short title.

3. This Act may be cited as the "Big Prairie Drainage By-law No. 18 Validating Act, 1894."

SCHEDULE A.

BY-LAW NO. 18 OF THE MUNICIPALITY OF CHILLIWHACK.

A By-law to provide for the Draining of Portion of Township 26, Municipality of Chilliwack, to be known as the "Big Prairie Drainage Scheme," and for the Borrowing on the Credit of the said Municipality the Sum of Thirteen thousand (\$13,000) Dollars for completing the same.

PROVISIONALLY ADOPTED THE 12TH DAY OF DECEMBER, 1891.

Whereas William Newby, George R. Ashwell, J. H. McGuire, and others, being a majority in number and value of the owners, as shown by the last revised assessment roll of the property hereinafter set forth, to be benefited by the construction of the drainage-works hereinafter provided for, have petitioned the Council of the said municipality praying for the drainage of the following lands in Township 26 of the said municipality, comprised within the following boundaries, namely: Commencing at the south-east corner of Section Twenty-five (25), Township Twenty-six (26); thence following Elk Creek to the Chilliwack Central Road; thence following said road to south-east corner of Section Thirty-three (33); thence north half a mile; thence due west to the south-west corner of Lot 334, Group 2, New Westminster District; thence in a south-westerly direction to the south-west corner of Lot 341, Group 2; thence south to the Chilliwack River; thence following said river to Prairie Central Road; thence east along said road to the north-east corner of Lot 296, Group 2; thence due south to the mountains; and thence following base of mountains to point of commencement:

And whereas, with such purposes in view, the said Council procured an examination to be made by Frederick J. L. Tytler, civil engineer, being a person competent for such purpose, of the said locality proposed to be drained, and has also procured plans and specifications and estimates of the work of construction to be made by the said Frederick J. L. Tytler, and an assessment to be made by him of the lands to be benefited by such drainage, stating as nearly as can be the proportion of benefit which, in his opinion, will be derived in consequence of such drainage by every section and part of section, the said assessment so made by him being the assessment hereinafter by this by-law enacted to be assessed and levied upon the sections and part of sections hereinafter in that behalf specially set forth and described, and the report of the said Frederick J. L. Tytler in respect thereof, and of the said drainage, being as follows:—

CHILLIWHACK, B.C., 1st September, 1891.

To the Reeve and Council of Chilliwack:

GENTLEMEN,—Having been instructed by your honourable body to make an examination and survey of the Big Prairie for the partial draining of the same, and to form a scheme complying as far as possible with the views of the settlers as petitioned for by Messrs. Newby, Chapman, and others, I beg to report that I have made such examination and survey, and I recommend that the work be done as follows:—

1st. That the Semiault be cleared of all weeds and logs throughout the whole breadth of the present channel, and that this weeding be effectively done by grubbing out the roots.

2nd. That the two bars in the channel of the Semiault, known as its upper and lower bars, be cut, and that the channel at these places be widened to fully 20 feet, with an extra average depth of $1\frac{1}{2}$ feet.

3rd. That the channel at the head of the stream be straightened by cutting across a series of bends, in all 1,540 yards in length, giving this new channel an average width of 10 feet and an average depth of 4 feet.

4th. That the McCutcheon drain be cleared out, and that 770 yards at the upper end be lowered, according to section given, to an average depth of $2\frac{1}{4}$ feet and a mean width of 12 feet.

5th. That a small catch-water drain, 4,200 yards in length, 2 feet in depth, and an average width of $2\frac{1}{4}$ feet, be cut. The earth from this cutting to be made into an embankment of 1 foot in height on the side of the ditch opposite the Chilliwack, beginning this ditch at the centre of Section 8, going north through the centres of Section 17 to the south line of Section 20; thence following the line of the Indian reserve in Sections 20 and 19 to the Chilliwack River.

6th. That the McGuire drain, which runs from the foot of the hills at the south-east corner of the South-west Quarter-section of Section 23, along the dividing line of Sections 22 and 15 to the Semiault, and including the extension to the North-east Quarter-section of Section 16, be cleared out and deepened $\frac{3}{4}$ foot at the head and 1 foot at the mouth, grading evenly between.

7th. That the Bailey drain, running from the foot of the hills between Sections 8 and 9 to the Semiault (with which I associate the drains to the right and left of it on the McGuire Road to the extent of a quarter-section each way, for the reason that these two ditches flow into this drain), be cleaned out, and that the above drain on the McGuire Road and that portion of the Bailey drain from the McGuire Road to the Semiault be sunk 1 foot, and that from the McGuire Road south for a distance of 440 yards the Bailey drain be cut 4 feet in depth and an average of $4\frac{1}{2}$ in width.

8th. That the drain known as the Prairie Central, commencing at the Upper Prairie Road, and running thence between Sections 23 and 26, 22 and 27, 21 and 28, 20 and 29 to the Semiault, be cut to sections chosen by the settlers on this drain and sanctioned by the Council, as follows: First mile from the Semiault, depth 5 feet, average width 7 feet; second mile, depth 5 feet, average width 6 feet; third mile, depth 5 feet, average width 5 feet.

9th. That the drain known as the Chilliwack Central, commencing at a point close to the south-east corner of the South-east Quarter-section of Section 33, and running between Sections 28 and 33, 29 and 32, and cutting across the north-west corner of the North-west Quarter-section of Section 29 to the Semiault, be cleaned out and lowered 1 foot.

10th. That the Lindell drain, running from the foot of the hills between Sections 15 and 16 to the McGuire Road, be left as it is, as it fulfils the requirements of the present scheme.

I estimate the cost of the above as follows:—	
Straightening and deepening the channel of the Semiault from the head down; average width of cutting, 10 feet; depth, 4 feet; 1,540 yards; 6,930 cubic yards @ 35 cents	\$2,425 50
Cutting the first bar on the Semiault from the head, beginning at station 22 on the Semiault, and going 330 yards up-stream; 1,122 cubic yards @ 35 cents	392 70
Cutting the second bar from the head of the Semiault, beginning at station 14 on the Semiault, and going 880 yards down-stream; 2,112 cubic yards @ 35 cents	739 20
Weeding and clearing Semiault from the mouth to a distance of 1,120 rods up-stream; 1,120 rods @ \$2	2,240 00
Clearing and weeding McCutcheon ditch, 96 rods from mouth; 96 rods @ \$2	192 00
Clearing and excavating the McCutcheon ditch for a distance of 770 yards from the Semiault; 2,310 cubic yards @ 35 cents	808 50
Excavating catch-water drain from centre of Section 8 to the Chilliwhack, 4,200 yards; 2,310 cubic yards @ 10 cents	231 00
McGuire drain, cleaning and deepening 480 rods; 480 rods @ 60 cents	288 00
Bailey drain, cleaning and deepening by 1 foot the sections on the McGuire road, near Semiault; 480 rods @ 50 cents	240 00
Cutting Bailey drain, 440 yards; 880 cubic yards @ 15 cents	132 00
Prairie Central drain, excavating 1,760 yards in first mile from Semiault; 1,760 yards @ 60 cents	1,056 00
1,760 yards in second mile; 1,760 yards @ 50 cents	880 00
2,640 yards in third mile and half; 2,640 yards @ 28.94 cents per yard	740 00
Chilliwhack Central drain, clearing and lowering 1 foot; 440 rods @ 60 cents	384 00
To which add for surveys, plans, and reports	482 10
Superintending work, publishing by-laws, clerk's fees, contingencies, say	2,000 00
	<hr/>
	\$13,000 00

This sum I assess, as in the annexed schedule, against the lands benefited and using the drains and Semiault River as outlets. The work as a whole is to be kept in repair and maintained at the expense of the lands assessed for the work herein reported, all the said lands paying in the same relative proportions as for said work.

I have the honour to be,
Gentlemen,

Your obedient servant,

FREDERICK J. L. TYTLER,
Civil Engineer in charge.

Big Prairie Drainage Scheme.

Section	½ Section.	Acres.	Drain.	Drain.		Semiault.		Total.
				Rate per Acre.	Amount.	Rate per Acre.	Amount.	
29	S.E.	80	Prairie Central ...	\$1.0776	\$ 86 21	\$1.3802	\$110 42	\$196 63
29	S.E.	80	Prairie Central ...	1.0776	86 21	1.3802	110 42	196 63
28	S.W.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
28	S.E.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
27	S.W.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
27	S.E.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
26	S.W.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
26	S.E.	100	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
26	S.E.	100	Prairie Central ...	1.0776	107 76	1.3802	138 02	245 72
25	S.W.	200	Prairie Central ...	1.0776	237 08	1.3802	303 65	540 73
21	N.W.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
21	N.E.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
22	N.E.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
23	N.W.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
23	N.E.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
24	N.W.	160	Prairie Central ...	1.0776	172 42	1.3802	220 84	393 26
23	S.E.	100	Prairie Central ...	1.0776	107 76	1.3802	138 02	245 78
24	S.W.	30	Prairie Central ...	1.0776	32 33	1.3802	41 40	73 73
25	S.W.	30	Prairie Central ...	1.0776	32 33	1.3802	41 40	73 73
24	N.E.	50	Prairie Central ...	1.0776	53 88	1.3802	69 01	122 89
22	S.W.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
22	S.E.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
23	S.W.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
14	N.W.	30	McGuire Road	0.3418	8 73	1.3802	41 40	50 13
16	N.E.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
15	N.W.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
15	N.E.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
16	S.E.	160	McGuire Road	0.3418	46 56	1.3802	220 84	267 40
15	S.W.	100	Lindell Road	0.3148	..	1.3802	138 02	138 02
30	Lot 340	40	.....	0.3148	..	1.3802	55 21	55 21
20	N.W.	100	.....	0.3418	..	1.3802	138 02	138 02
30	Lot 342	102	.....	0.3148	..	1.3802	140 79	140 79
30	Lot 341	58	.....	0.3148	..	1.3802	80 05	80 05
29	S.W.	160	.....	0.3148	..	1.3802	220 84	220 84
20	N.E.	160	.....	0.3148	..	1.3802	220 84	220 84
21	S.W.	80	.....	0.3148	..	1.3802	110 42	110 42
21	S.E.	80	.....	0.3148	..	1.3802	110 42	110 42
32	S.W.	160	.....	0.3148	..	1.3802	220 84	220 84
32	S.E.	160	{ Chilliwhack }	0.3148	66 88	1.3802	292 61	359 29
32	S.E.	52	{ Central }	0.3148	34 00	1.3802	149 07	183 07
33	S.W.	108	.....	0.3148	34 63	1.3802	151 83	186 46
33	S.W.	110	.....	0.3148	15 74	1.3802	69 01	84 75
33	S.E.	50	.....	0.3148	31 48	1.3802	138 02	169 50
29	N.W.	100	.....	0.3148	50 37	1.3802	220 84	271 21
28	N.E.	160	.....	0.3148	50 37	1.3802	220 84	271 21
28	N.W.	160	.....	0.3148	50 37	1.3802	220 84	271 21
28	N.E.	160	.....	0.3148	50 37	1.3802	220 84	271 21
8	N.E.	160	.....	0.3148	16 56	1.3802	55 21	71 77
9	N.W.	40	.....	0.3148	12 42	1.3802	41 40	53 82
17	S.E.	30	Bailey Drain	0.414	33 12	1.3802	110 42	143 54
17	S.E.	80	.....	0.414	33 12	1.3802	110 42	143 54
16	S.W.	80	.....	0.414	33 12	1.3802	110 42	143 54
17	N.E.	160	.....	0.414	66 24	1.3802	220 84	287 08
17	N.E.	80	.....	0.414	33 12	1.3802	110 42	143 54
16	N.W.	80	.....	0.414	33 12	1.3802	110 42	143 54
16	N.W.	80	.....	0.414	33 12	1.3802	110 42	143 54
20	S.E.	80	.....	0.414	33 12	1.3802	110 42	143 54
		160	.....	0.414	66 24	1.3802	220 84	287 08

And whereas the said Council is of opinion that the drainage of the locality described is desirable:

Be it therefore enacted by the said Municipal Council of the said Municipality of Chilliwack, pursuant to the provisions of the "Municipal Act":—

1. That the said report, plans, and estimates be adopted, and the said drains, and the works connected therewith, be made out and constructed in accordance therewith.

2. It shall be lawful for the Reeve of the said municipality to borrow, on the credit of the Corporation of the said municipality, the sum of thirteen thousand dollars (\$13,000), being the funds necessary for the works, and may issue debentures of the said Corporation to that amount in sums of not less than one hundred dollars each, payable at the end of twenty years from the date on which this by-law takes effect, and to bear interest at the rate of six per cent. per annum, payable half-yearly on the eighth day of July and the eighth day of January in each and every year during the currency of said debentures, and such debentures shall be payable at the Bank of Montreal in New Westminster, and shall have attached to them coupons for the payment of interest.

3. That in order to provide a sinking fund for the purpose of paying the sum of thirteen thousand dollars (\$13,000), being the amount charged against the said lands so to be benefited as aforesaid, and to cover interest thereon for twenty years at the rate of six per centum per annum, the following special rate over and above all other rates shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned sections or parts of sections, and the amount of the said special rates, and interest assessed as aforesaid, against each section or part of section, lot or part of lot, respectively, shall be divided into twenty equal parts, and one such part shall be assessed and levied as aforesaid in each year for twenty years after the final passing of this by-law during which the said debentures have to run.

Schedule of Assessment, as amended by Court of Revision, on Lands in Township 26, Group 2, New Westminster District (Municipality of Chilliwack), for the Carrying-out of the Big Prairie Drainage Scheme:—

Township or Group.	Section or Lot.	No. of Acres.	Value of Improvements.	To cover Interest 20 Years at 6 per Cent.	Total Special Assessment.	Annual Assessment during each Year for 20 Years.
Township 36, Group 2, New Westminster District.	S.E. $\frac{1}{4}$ 29, part.....	80	\$223 23	\$267 88	\$491 11	\$24 56
	S.E. $\frac{1}{4}$ 29, part.....	80	223 23	267 88	461 11	24 56
	S.W. $\frac{1}{4}$ 28.....	160	446 44	535 76	982 22	49 12
	S.E. $\frac{1}{4}$ 28.....	160	446 44	535 76	982 22	49 12
	S.E. $\frac{1}{4}$ 27.....	160	446 44	535 76	982 22	49 12
	S.W. $\frac{1}{4}$ 27.....	160	446 44	535 76	982 22	49 12
	S.W. $\frac{1}{4}$ 26.....	160	446 44	535 76	982 22	49 12
	S.E. $\frac{1}{4}$ 26, part.....	100	287 02	334 65	621 65	31 09
	S.W. $\frac{1}{4}$ 25.....	80	223 23	267 88	491 11	24 56
	N.W. $\frac{1}{4}$ 21.....	160	446 44	535 76	982 22	49 12
	N.E. $\frac{1}{4}$ 21.....	160	446 44	535 76	982 22	49 12
	N.E. $\frac{1}{4}$ 22.....	160	446 44	535 76	982 22	49 12
	N.W. $\frac{1}{4}$ 23.....	160	446 44	535 76	982 22	49 12
	N.E. $\frac{1}{4}$ 23.....	160	446 44	535 76	982 22	49 12
	N.W. $\frac{1}{4}$ 24, part.....	100	278 85	334 65	621 65	31 09
	S.E. $\frac{1}{4}$ 23, part.....	100	182 16	218 60	400 76	20 04
	S.W. $\frac{1}{4}$ 24, part.....	20	55 82	66 99	122 81	6 20
	S.W. $\frac{1}{4}$ 22.....	160	291 48	349 78	641 26	32 07
	S.E. $\frac{1}{4}$ 22.....	160	291 48	349 78	641 26	32 07
	S.W. $\frac{1}{4}$ 23, part.....	150	273 27	327 93	601 20	30 06
	N.W. $\frac{1}{4}$ 14, part.....	30	54 68	65 59	120 24	6 02
	N.E. $\frac{1}{4}$ 16.....	160	291 48	349 78	641 26	32 07
	N.W. $\frac{1}{4}$ 15.....	160	291 48	349 78	641 26	32 07
	N.E. $\frac{1}{4}$ 15, part.....	100	182 16	218 60	400 76	20 04
	S.E. $\frac{1}{4}$ 16, part.....	100	150 86	181 04	331 90	16 60
	S.W. $\frac{1}{4}$ 15, part.....	40	60 35	72 42	132 77	6 64
	N.W. $\frac{1}{4}$ 20, part.....	80	120 70	144 84	265 54	13 28
	Lot 342.....	102	153 20	183 84	337 04	16 80
	Lot 341, part.....	58	87 52	105 05	192 57	9 63
	S.W. $\frac{1}{4}$ 29.....	160	241 38	289 66	531 04	26 56
	N.E. $\frac{1}{4}$ 20.....	160	241 38	289 66	531 04	26 56
	S.W. $\frac{1}{4}$ 21, part.....	80	120 70	144 84	265 54	13 28
	S.W. $\frac{1}{4}$ 21, part.....	80	120 70	144 84	265 54	13 28
	S.E. $\frac{1}{4}$ 21.....	160	241 38	289 66	531 04	26 56
	S.W. $\frac{1}{4}$ 32 160)	212	415 53	498 64	914 17	45 72
	S.E. $\frac{1}{4}$ 32 52)					
	S.E. $\frac{1}{4}$ 32, part.....	73	143 10	171 72	314 82	15 80
	S.W. $\frac{1}{4}$ 33, part.....	70	137 23	164 68	301 91	15 10
	S.W. $\frac{1}{4}$ 33, part.....	40	78 41	94 10	172 51	8 63
	S.E. $\frac{1}{4}$ 23, part.....	60	117 64	141 17	258 81	12 95
	N.W. $\frac{1}{4}$ 29.....	160	313 59	376 31	689 90	34 50
	N.E. $\frac{1}{4}$ 29.....	160	313 59	376 31	689 90	34 50
	N.W. $\frac{1}{4}$ 28, part.....	120	235 28	282 34	517 62	25 90
	N.E. $\frac{1}{4}$ 28, part.....	116	227 36	272 84	500 20	25 01
	N.E. $\frac{1}{4}$ 8, part.....	80	153 78	164 54	318 32	15 92
	N.W. $\frac{1}{4}$ 9, part.....	30	57 69	69 23	127 92	6 40
	S.E. $\frac{1}{4}$ 17, part.....	80	153 78	164 54	318 32	15 92
	S.E. $\frac{1}{4}$ 17, part.....	70	134 57	161 49	296 06	14 81
	S.W. $\frac{1}{4}$ 16.....	160	307 56	329 08	626 64	31 34
	N.E. $\frac{1}{4}$ 17, part.....	80	153 78	164 54	318 32	15 92
	N.E. $\frac{1}{4}$ 17, part.....	80	153 78	164 54	318 32	15 92
	N.W. $\frac{1}{4}$ 16, part.....	80	153 78	164 54	318 32	15 92
	N.W. $\frac{1}{4}$ 16, part.....	80	153 78	164 54	318 32	15 92
	S.E. $\frac{1}{4}$ 20.....	160	253 79	304 55	558 34	27 92

4. That this by-law shall come into operation and take effect on and after the eighth day of July, A.D. 1892.

Read a third time and passed and provisionally adopted by the Council on the twelfth day of December, A.D. 1891.

Reconsidered and finally passed the Council this fourth day of June, A.D. 1892.

[Ls.]

F. J. L. TYTLER, C.M.C.

THOS. E. KITCHEN,

Reeve.

British Columbia Southern Railway Company (Consolidation)	11th April, 1894.
Brunette Sawmill Company	11th April, 1894.
Cariboo Railway Company (formerly called the Ashcroft and Cariboo Railway Company)	11th April, 1894.
Consolidated Railway and Light Company	11th April, 1894.
Delta, New Westminster, and Eastern Railway Company	11th April, 1894.
Great Western Telegraph Company	11th April, 1894.
Hall Mines Tramway	11th April, 1894.
Kaslo and Slocan Railway	11th April, 1894.
Public Works in the Township of Richmond	11th April, 1894.
Dyking and Drainage Works in the District of New Westminster	11th April, 1894.
Victoria Electric Railway and Lighting Company..	6th April, 1894.
Victoria, Vancouver, and Westminster Railway Company	11th April, 1894.

A.D. 1895.

Alexandra Hospital, Vancouver	21st February, 1895.
Canadian Western Central Railway	21st February, 1895.
Cariboo Hydraulic Mining Company (Amend- ment)	21st February, 1895.

CHAPTER 18.

An Act respecting Lands granted to the Dominion Government.

[21st February, 1895.]

Preamble.

WHEREAS, by an Act made and passed by the Legislative Assembly of British Columbia in the forty-seventh year of Her Majesty's reign, chapter 14, intituled "An Act relating to the Island Railway, the Graving-dock, and Railway Lands of the Province," it was, among other things, enacted that, from and after the passage of the Act now in recital, there should be and there was thereby granted to the Dominion Government for the purpose of constructing, and to aid in the construction of, the portion of the Canadian Pacific Railway on the Mainland of British Columbia, in trust, to be appropriated as the Dominion Government might deem advisable, the public lands along the line of the railway, wherever it might be finally located, to a width of twenty miles on each side of the said line, as provided in the Order in Council, section 11, admitting the Province of British Columbia into Confederation;

and whereas, antecedent to the passage of the said Act, and for the purpose of conveying the lands to the Dominion Government, a reserve was, on the twenty-ninth day of November, 1883, placed by the Provincial Government upon the lands described as the Belt, and hereinafter referred to:

II. And whereas questions have arisen regarding the boundaries of the land so granted (hereinafter referred to as "the Belt") and three methods have been proposed for defining the same: One by an Order of His Excellency the Governor-General in Council, approved on the twenty-seventh May, 1887; a second by an Order of His Honour the Lieutenant-Governor in Council, approved on the twenty-fourth August, 1887; and a third by another Order of His Excellency the Governor-General in Council, approved on the fifteenth July, 1892:

III. And whereas the date of the final location of the railway is uncertain, and, in the absence of a delimitation of the Belt, grants have been issued to purchasers by both the Dominion and Provincial Governments, and records issued to pre-emptors, the validity of which are open to question:

IV. And whereas, by an Act of the Parliament of Canada made and passed in the fifty-second year of Her Majesty's reign, intituled "An Act to provide for the Conveyance of certain Lands to British Columbia," it is provided that the Governor in Council may, out of the Belt, transfer to the Province of British Columbia lands, not to exceed forty-five thousand and thirty-seven acres in extent, for the purpose of enabling the Government of British Columbia to make valid certain titles and interests which the Province had undertaken to create therein:

V. And whereas questions have arisen as to the power of the Dominion Government to hold lands within the Province:

VI. And whereas, owing to the questions at issue, purchasers from the Dominion and Province respectively, and pre-emptors and settlers upon lands within the Belt, are unable to procure titles which can be registered under the land registry laws of the Province, and the Dominion Government cannot register titles to land within the Belt, and it is desirable that an adjustment should be made of the matters referred to in this preamble:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Railway Belt Act, 1895."

Short title.

2. It shall be lawful for the Lieutenant-Governor, by Order in Council, to adopt either of the methods of defining the Belt proposed by the several Orders in Council referred to in clause II. of the preamble to this Act, either in manner suggested in the proposal or subject to such variations as the Lieutenant-Governor may see fit to

Lieut.-Governor may adopt certain methods of determining "the Belt."

agree upon, and subject to such terms, conditions, and stipulations (if any) as may be agreed upon between the two Governments.

Pre-emptors must survey and prove claims.

3. Notwithstanding any provisions to the contrary appearing in any land or other law of the Province heretofore or now in force, all persons who, anterior to the date of the Provincial reserve referred to in paragraph II. of the preamble to this Act, had pre-empted lands within the Belt must cause the same to be surveyed and prove their claims on or before such date as shall be named by Proclamation of the Lieutenant-Governor in Council, of which date not less than nine months' notice shall be given by publication in the British Columbia Gazette; and in default of such lands, or any of them, being surveyed and claims proved by the date to be so published in the Gazette, any pre-emptor so making default shall forfeit all right to complete his title under the laws of the Province.

Lieut.-Governor may make provision for registration of such land.

4. It shall be lawful for the Lieutenant-Governor, by Order in Council, to make such provisions as he may think proper for defining and causing the title of the Dominion Government, or of purchasers from the Dominion Government, to be registered under the land registry laws of the Province.

And may arrange with Dominion Government to survey, etc.

5. The Lieutenant-Governor may, by Order in Council, arrange with the Dominion Government for locating or surveying or otherwise ascertaining the lands referred to in clause IV. of the preamble to this Act, and for the transfer of the same to the Province.

Power of Lieut.-Governor in making terms, etc.

6. In carrying out the provisions of this Act, the Lieutenant-Governor in Council may arrange such terms, concessions, and stipulations as he may deem reasonable and proper.

Order in Council to have effect of a Statute of British Columbia.

7. Any Order in Council made by the Lieutenant-Governor under authority of this Act shall have the same force and effect as if enacted by Statute of this Legislature.

CHAPTER 35.

An Act to provide Four hundred and twenty thousand Pounds for the Public Purposes of the Province.

[21st February, 1895.]

Preamble.

WHEREAS it is expedient to provide funds by loan for the public purposes of the Province:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited for all purposes as the "British Columbia Loan Act, 1895," and shall be incorporated and read as one with the "Inscribed Stock Act, 1891."

2. The Lieutenant-Governor in Council may, in addition to all other moneys authorized to be raised or borrowed by any other Act or Acts of this Province, at discretion, borrow or raise any sum of money not exceeding four hundred and twenty thousand pounds by the sale of debentures or otherwise.

Lieut.-Governor in Council may raise money not exceeding £420,000.

3. All stock sold pursuant to this Act shall bear interest at a rate not exceeding three pounds ten shillings per centum per annum, to be fixed at the time of sale and to be paid half-yearly. The principal of such stock shall be paid at a date to be fixed at the time of sale, not being less than twenty-five nor more than fifty years after the time of sale. Both principal and interest shall be payable in London, England.

Rate of interest.

Time of repayment.

Place of payment.

4. It shall be lawful for the Lieutenant-Governor in Council to appoint the Minister of Finance, or other person or persons, from time to time the agent of the Government for the purpose of negotiating any such loan, and the Minister, or other duly appointed agent, may arrange all details and do, transact, and execute all such deeds, matters, and things as may be requisite during the conduct of negotiations, or for the purposes of placing the loan.

Lieut.-Governor may appoint Minister of Finance or other person agent to arrange details.

5. All moneys raised under this Act shall be paid, in such manner as the Lieutenant-Governor in Council shall prescribe, to the Minister of Finance, and shall by him be placed to the credit of an account to be called the "Loan Act, 1895, Account," to be applied, first, in payment of discount, commission, brokerage, and other expenses of the loan, and the balance to be applied in such amounts and in such manner as the Lieutenant-Governor in Council may from time to time authorize and direct towards the public purposes of the Province; and all moneys to be raised under this Act shall be accounted for in the same manner as if they formed part of the current revenue of the Province.

Moneys raised to be paid to Minister of Finance.

Application thereof.

6. The Minister of Finance shall, and is hereby required to, in each and every half-year, from the first raising of any sums of money under authority hereof, until the whole amount so raised and all interest thereon shall have been duly paid, set apart out of the consolidated revenues of the Province such sum as shall suffice to pay the interest upon all stock which shall then bear interest, and shall apply such sum in payment of such interest aforesaid.

Payment of interest out of consolidated revenues.

7. The Lieutenant-Governor in Council may from time to time, by Order in Council to be made before the issue and sale of any stock to be named in any such Order in Council, provide for the payment of such stock by authorizing and directing the Minister of Finance to appropriate yearly such sums of money out of the general revenue of the Province as may be named in any such Order in Council, and as may be deemed by the Lieutenant-Governor in

Authorizes creation of sinking fund.

Council to be necessary for the creation and maintenance of a sinking fund for the final payment of such stock, and may by the same Order in Council make such provisions as may be deemed requisite for the investment from time to time of the amount of any such sinking fund and the accumulation thereof, and for the release of any surplus over and above what may be necessary, with accumulations, to repay any loan at maturity.

Quesnelle Lake Dam	21st February, 1895.
Quesnelle Prospecting Licence	21st February, 1895.
Burrard Inlet Railway and Ferry Company (Amendment)	21st February, 1895.
Columbia and Kootenay Railway Extension...	21st February, 1895.
Harrison Hot Springs Exclusion	21st February, 1895.

CHAPTER 62.

An Act for the Supply of Water to the City of Nanaimo.

[21st February, 1895.]

Preamble.

WHEREAS the Council of the Corporation of the City of Nanaimo have resolved that the Corporation of the City of Nanaimo should construct waterworks, and have power to take water from Nanaimo River above the falls:

And whereas, by the "Municipal Act, 1892," and amendments thereto, the Corporation of the City of Nanaimo have power to construct and operate waterworks for the purpose of supplying the inhabitants of the city with water:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Power to Corporation of Nanaimo to take water from Nanaimo River.

1. That it shall be lawful for the Corporation of the City of Nanaimo, their agents, servants, and workmen, from time to time and at all such times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the lands of any person, bodies politic or corporate, lying between the place or places where they shall take water from the Nanaimo River above the falls and the City of Nanaimo, and to survey, set out, and ascertain such parts thereof as they may require, and also to divert and appropriate such of the waters of the said Nanaimo River above the falls as they shall consider necessary, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water, for the purchase thereof, or any part thereof, or of any privilege that may be required; and in case of

Arbitration.

disagreement between the Corporation of the City of Nanaimo and the owners or occupiers of the said lands, or any persons or corporations having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them, or otherwise as to the amount of damages arising from the construction of any dam, the same to be decided by three arbitrators, to be appointed as hereinafter mentioned, namely: The Council of the Corporation of the City of Nanaimo shall appoint one, and the owner or owners shall appoint another, and such two arbitrators shall, within ten days, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on application of either party, appoint such third arbitrator.

2. In case any such owner or occupier shall be an infant, or insane, or absent from the Province, or shall refuse to appoint an arbitrator in his behalf, then it shall be the duty of one of the Judges of the Supreme Court of British Columbia, on application being made for that purpose by the Corporation of the City of Nanaimo, to nominate and appoint three indifferent persons as arbitrators. The arbitrators as hereinbefore mentioned shall award, determine, adjudge, and order the respective sums of money which the said Corporation of the City of Nanaimo shall pay to the respective persons entitled to receive the same, and the award of the majority of the said arbitrators shall be final, and the said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said city, to be appointed by the Corporation of the City of Nanaimo, after ten days' notice given for that purpose by the Corporation of the City of Nanaimo, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested; and each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the City of Nanaimo, well and truly to assess the value of damages between the parties to the best of his judgment: Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia, in the same manner and on the same grounds as in ordinary cases of arbitration.

In case of refusal or inability to appoint arbitrator.

Duties of arbitrators.

Award.

Proviso.

3. No by-law for the purpose of constructing any waterworks for the City of Nanaimo shall be passed, firstly, until estimates of the intended expenditure have been published once a week for one month; secondly, until the same shall have received the assent of the electors as provided by the "Municipal Act":

By-law not to be passed until estimates published.

(a.) If the proposed by-law is rejected by the electors, no other by-law for the same purpose shall be submitted to the electors for a period of twelve months.

If rejected, no other to be submitted.

In case of other companies carrying on like business.

4. In case there be any water company incorporated and carrying on their business within the limits of the said city, the Council shall not pass any by-law for the purpose of constructing any such works, or by virtue of which the city will become a competitor in the business carried on by such companies, or any of them, or in any other manner exercise the powers conferred by the two preceding sections, until such Council has by by-law fixed the price which they will offer for the property of the company or companies whose operations will be interfered with, nor until thirty days have elapsed after notice of such price has been communicated to such company or companies:

By-law to fix price.

If by-law passed, company may refuse to accept or require arbitration.

Mode of reference.

On acceptance of price fixed by by-law.

If company refuse price,

Or require arbitration.

Rights of the Crown.

- (a.) Upon such by-law being passed, and notice thereof given to the said company or companies, who may either accept or refuse the same, or give notice to the Council that they will require the purchase price of their property to be submitted to arbitration:
- (b.) In case the notice referred to in the preceding clause is given by such company or companies, the price to be paid for such property shall be referred to the award of three arbitrators, one to be appointed by the parties giving the notice, one by the Council, and the third to be either agreed upon between the arbitrators appointed by the parties, or to be named by a Judge of the Supreme Court of British Columbia; and thereupon the arbitration shall proceed, and the provisions of the "Arbitration Act, 1893," shall apply to such arbitration in all matters not herein specifically provided for:
- (c.) In the event of the company or companies to whom such notice is given accepting the price fixed by the said by-law, or in the event of any award being made under the arbitration hereinbefore referred to, such price shall be paid or secured before any further proceedings are taken by the Council under the powers contained in the preceding five subsections of this Act:
- (d.) If such company or companies refuse the price offered by the City, or if, at the expiration of thirty days from the time that notification of the price offered has been delivered, they fail to accept such price, or require an arbitration as aforesaid, then the Council may proceed forthwith to exercise the powers conferred upon them by the preceding five subsections of this Act.

5. The powers and privileges conferred by this Act, and the provisions hereof in so far as they affect the rights of the Crown, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject-matter of this Act, or of the powers and privileges hereby conferred, which the Legislature may see fit to adopt; and this Act is passed

upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in right of the Province, such rents, royalties, tolls, and charges in respect of the waters or of the lands of the Crown (if any), rights and privileges which shall be set out, appropriated, or enjoyed by the company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper; and may likewise make and pass such regulations and rules as may be deemed necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, etc., fixed by any such Order in Council shall be made within the space of five years from the passage of the Order in Council fixing the same.

6. This Act may be cited for all purposes as the "Corporation of Short title. the City of Nanaimo Waterworks Act, 1895."

CHAPTER 63.

An Act respecting the Amendment of the "Nanaimo 1885, c. 31. Waterworks Act, 1885," and Amending Acts.

[21st February, 1895.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Section 22 of the "Nanaimo Waterworks Act, 1885," and Repeals 1885, c. 31. section 2 of the "Nanaimo Waterworks Amendment Act, 1886," s. 22, and 1886, c. 34, s. 2. are hereby repealed, and the following section substituted in lieu thereof:—

"22. It shall be lawful for the said Company, their agents, Entry on lands. servants, and workmen, from time to time and at all such times hereafter, as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the lands of the Crown or of any person or persons, bodies politic or corporate, in the City of Nanaimo, or lying between the place or places where they shall take water from the Nanaimo River, Crystal Lake, Chase River, and the Appropriation of water from Nanaimo River, Crystal Lake, and Chase River. southerly watershed of Mount Benson, and all that portion of Nanaimo River commencing one mile above Stark's Falls on said river, and all tributaries thereof, as may be necessary to further augment the water-supply of the Nanaimo Waterworks Company and the City of Nanaimo, and to survey, set out, and ascertain such parts thereof as they may require for the purposes of the said waterworks, and also to divert and appropriate such of the waters of the said Nanaimo River, Crystal Lake, Chase River, and the watershed

of Mount Benson, and all that portion of Nanaimo River commencing one mile above Stark's Falls on said river, and all tributaries thereof, as may be necessary to further augment the water-supply of the Nanaimo Waterworks Company, as they shall consider necessary and proper, and to take such water from the said river at a point or place known as Stark's Falls, or at such other point or place on said river within one mile above and one mile below said falls, as they shall judge suitable and desirable, and to contract with the owners or occupiers of the said lands, and those having an interest or right in the said water or waters, for the purchase thereof, or any part thereof, or of any privilege that may be required for the purposes of the said Company, and for the right to take all timber, stone, gravel, sand, and other materials from the same or adjacent lands for the use and construction of the said works; and in case of disagreement between the said Company and the owners or occupiers of the said lands, or any person having an interest in the said water or the natural flow thereof, or any such privilege or privileges, right or rights as aforesaid, respecting the amount of purchase-money or value thereof, or as to the damages such appropriation shall cause to them or otherwise, or as to the amount of damages arising through the construction of any dam, or the laying of any pipe, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely: The Company shall appoint one, the owner or owners shall appoint another, and such two arbitrators shall, within ten days after their appointment, appoint a third arbitrator; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court of British Columbia shall, on the application of either party, appoint such arbitrator: Provided, however, that if the said Company shall utilize the waters of Chase River, they shall place a two-inch pipe as free vent, two feet below the surface of the water held in any dam that may be constructed on the said Chase River."

Arbitration.

Rights of the Crown.

2. The powers and privileges conferred by this Act, and the provisions hereof, in so far as they affect the rights of the Crown, are hereby declared to be granted subject to the rights of the Crown, and also subject to any future legislation regarding the subject-matter of this Act, or of the powers and privileges hereby conferred which the Legislature may see fit to adopt; and this Act is passed upon the express condition that the Lieutenant-Governor in Council may from time to time impose and reserve to the Crown, in the right of the Province, such rents, royalties, tolls, and charges in respect of the waters, or of the lands of the Crown (if any), rights and privileges, which shall be set out, appropriated, or enjoyed by the Company, or are conferred by this Act, as by the Lieutenant-Governor in Council shall be deemed to be just and proper; and may likewise make and pass such regulations and rules as may be deemed

necessary and advisable for the collection and enforcement of such rents, royalties, tolls, and charges, or any of them, but so that no increase in the amount of any such rents, royalties, etc., fixed by any such Order in Council shall be made within the space of five years from the passage of the Order in Council fixing the same.

3. Section 2 of the "Nanaimo Waterworks Act, 1885," is hereby repealed, and the following inserted in lieu thereof:—

Re-enacts 1885,
c. 31, s. 2.

"2. The capital of the Company shall be fifty thousand dollars, with power to increase the sum to two hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shares shall be held to be personal estate, and shall be assignable in such manner and form as may from time to time be prescribed by the by-laws of the Company."

Capital stock
of Company.

4. This Act may be cited as the "Nanaimo Waterworks Amendment Act, 1895."

Short title.

CHAPTER 64.

An Act to make valid and binding an Official Map or Survey of the City of Nanaimo.

[21st February, 1895.]

WHEREAS in the year 1866 the City of Nanaimo was surveyed by Messieurs Mohun and Farwell, civil engineers, and a map or plan of the same duly made, which map is now deposited in the office of the Registrar-General of Titles at the City of Victoria, and is regarded as the official map of the said City of Nanaimo:

Preamble.

And whereas the said official map or plan is in such a damaged state that measurements and angles cannot be obtained from it with accuracy:

And whereas by reason of the absence of proper boundary posts and monuments great difficulties have from time to time arisen in ascertaining the lines of the streets of the said City of Nanaimo as the same were originally laid out and defined by the said plan of Messieurs Mohun and Farwell:

And whereas since the making of the said survey and map the limits of the said City of Nanaimo have been enlarged:

And whereas the Corporation of the City of Nanaimo has, in pursuance of the powers vested in it, caused a survey of the said city to be made by A. R. Heyland, Provincial land surveyor, for the purpose of ascertaining and accurately defining the street lines and boundaries of the different lots and blocks in the City of Nanaimo:

And whereas A. R. Heyland, P.L.S., has prepared a plan or map of the said city in accordance with the survey and field-notes made by him, the said A. R. Heyland:

And whereas boundaries and monuments have been placed by the said A. R. Heyland, under the directions of the Corporation of the City of Nanaimo, to mark the governing points and centre lines of the said streets, lots, and blocks:

And whereas it is expedient to declare that the said map or plan so made by the said A. R. Heyland, in pursuance of the survey of the said A. R. Heyland, shall be deemed and taken to be the official map or plan of the City of Nanaimo, so far as the boundaries of streets, lots, and blocks in the said city are concerned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Map of Nanaimo made by A. R. Heyland and field-notes to be deposited in Land Registry Office, Victoria.

1. The map or plan of the said City of Nanaimo made by A. R. Heyland, dated second January, 1894, in accordance with his survey and field-notes, as duly signed by the said A. R. Heyland, shall within one month from the passing of this Act, together with the field-notes of the said A. R. Heyland, P.L.S., be deposited in the office of the Registrar-General of Titles at the City of Victoria, who shall receive the same and file and keep the same among the records of his office.

Said map, when deposited, deemed official map.

2. The said map or plan of the City of Nanaimo, after the same shall have been deposited in the hands of the Registrar-General of Titles aforesaid, shall be deemed to be the official map of the said City of Nanaimo, and shall be taken as final and conclusive evidence of the boundaries of all streets, lots, and blocks in the said City of Nanaimo, and all street, lot, and block boundaries shall thereafter be ascertained and defined in accordance with the said map or plan, and all copies thereof duly certified by the Registrar-General of Titles for the time being shall be received in all Courts of Record and other Courts in British Columbia as true evidence of the original survey of such street, lot, and block boundaries or lines.

Permanent monuments.

3. The stone monuments, or monuments of other durable material, as placed at the several governing points and centres of streets, lots, and blocks in the said City of Nanaimo, in accordance with the plan or map certified and deposited with the Registrar-General of Titles in pursuance of the first section of this Act, shall be taken and considered to be the permanent monuments, truly and correctly indicating the several governing points and centres of streets, lots, and blocks in the said City of Nanaimo.

Persons may have land surveyed by Corporation.

4. Any person owning, or occupying, or having an interest of any kind in any land abutting upon any street, lot, or block in the said City of Nanaimo, or the agent of any such person, may, at any time after the said map or plan shall have been deposited in the office of the Registrar-General of Titles at the City of Victoria in accordance with section one of this Act, apply to the Corporation of the City of

Nanaimo to cause the boundary-line of that portion and side of the street upon which such land shall abut to be surveyed and marked out; and it shall thereupon be the duty of the said Corporation, on payment to the said Corporation of the sum of ten dollars, to cause such boundary-line to be surveyed and marked out in accordance with the map or plan made as aforesaid by the said A. R. Heyland.

Fee \$10.

5. Any land shown by the said map to be included within the limits of any street, lot, or block shall henceforth be taken to be a portion of such street, lot, or block, notwithstanding that the same may be, or may at some previous time have been, in the possession of any person or persons, or that there are any buildings or improvements thereupon; and it shall thereupon become the duty of the owner, tenant, or other person interested in the land in front of which such street-line shall be defined as aforesaid, on being required by notice in writing signed by the Clerk of the Municipal Council, to remove, within eighteen months after the service of such notice, from off the street, lot, or block all fences, buildings, and other improvements which shall be shown by the said boundary-line to be upon the street, lot, or block; and in default of compliance with the said notice it shall be lawful for the Corporation of the City of Nanaimo to cause such fences, buildings, and other improvements to be removed from the said street, lot, or block as aforesaid, and the cost of effecting such removal may be recovered by the said Corporation against the owner or tenant of the said land by action in any Court of competent jurisdiction: Provided always that any person who shall be required under this Act to give up and surrender possession of any land, or who shall have any interest or estate in such land, or who shall be required to remove any fences or buildings or other improvements from such lands, shall be entitled, subject to the exceptions hereinafter mentioned, to a reasonable compensation therefor, to be paid by the Corporation of the City of Nanaimo, to be agreed upon between such person and the said Corporation; and in case of disagreement between such person and the said Corporation as to the amount of compensation, the same shall, at the option of the claimant, be decided by the Board of Arbitrators to be appointed as hereinafter directed, or by three arbitrators to be appointed as hereinafter mentioned, namely: The Corporation of the City of Nanaimo shall appoint one, the owner, tenant, or other person making the objection shall appoint another, and such two arbitrators shall appoint a third arbitrator within ten days after their appointment; but in the event of such two arbitrators not appointing a third arbitrator within the time aforesaid, one of the Judges of the Supreme Court shall, on the application of either party, by way of a summary application by summons in Chambers, of which due notice shall be given to the other party, appoint such third arbitrator. In case any such owner, or tenant,

Land forming part of a street as shown by said map.

Duty of owner to remove.

Corporation may remove fences, etc.

Compensation.

Arbitrators.

Infants, etc.

Duties of
arbitrators.

or other person shall be an infant, married woman, or insane, or absent from this Province, and having no agent in the Province, or shall refuse to appoint an arbitrator on his or her behalf, then it shall be the duty of each and every of the Judges of the Supreme Court of British Columbia, on application being made in manner aforesaid for that purpose by the Corporation of the City of Nanaimo, to nominate and appoint three persons to be arbitrators. The arbitrators to be appointed as hereinbefore mentioned shall be sworn before any of Her Majesty's Justices of the Peace in and for the City of Nanaimo, to well and truly decide the question between the persons claiming compensation as aforesaid and the Corporation of the City of Nanaimo. And it shall be the duty of the said Board of Arbitrators or the arbitrators appointed under this section, within three months after such questions shall be referred to them as aforesaid, to decide, award, determine, and adjudge the respective sums of money (if any) which the said Corporation shall pay to the person entitled to the same; and the award of the majority of the arbitrators shall be final. And the said arbitrators shall be and they are hereby required to attend at some convenient place, after eight days' notice given for that purpose by the said Corporation, or by the claimant for compensation, then and there to arbitrate and award, adjudge, and determine such matters and things as shall be submitted to their consideration, and each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace in and for the City of Nanaimo, any of whom may be required to attend the meeting for that purpose, well and truly to assess the value or damages or amount of compensation (if any) between the parties to the best of his judgment: Provided always that any award under this Act shall be subject to be set aside on application to the Supreme Court of British Columbia on the following grounds and no others, namely: That the arbitrators have been guilty of misconduct or have awarded the compensation on a wrong principle, in which case reference shall be made to arbitration again as hereinbefore provided.

Proviso.

When compensation
is not to be allowed.

6. No person shall be entitled to any compensation in respect of any land which he may be required to surrender as part of a street, lot, or block under the provisions of this Act, or in respect of the removal of any improvements, if it shall be proved to the satisfaction of the Board of Arbitrators, or the arbitrators, as the case may be, before whom any claim for compensation may be pending, that the person making such claim has wilfully and knowingly encroached upon the street, or that he purchased and occupied the said land knowing that the original purchaser thereof from the Crown, or any other person, persons, or corporations claiming through him or them, wilfully encroached upon the street upon which such land abuts, or that after being deprived of such strip of land as may be shown by

the said map or plan to be within the limits of the street, lot, or block, there still remains to him the quantity of land mentioned in his muniments of title to the lot or portion of lots so held by him. And in all cases the onus of proving that any encroachment was wilfully and knowingly made, or that the claimant for compensation purchased or acquired his interest in the said land knowing that the original purchaser and occupier thereof from the Crown, or any other person, persons, or corporations claiming through him or them, had encroached upon the street upon which such land abuts, shall lie upon the said Corporation.

7. It shall be the duty of the Corporation of the City of Nanaimo, within one month after the passing of this Act, to appoint three persons to constitute a Board of Arbitrators under this Act, upon such terms as to compensation as may be agreed upon between the said Corporation and such persons. And the said arbitrators shall immediately after such appointment take and subscribe before some Justice of the Peace in the said City of Nanaimo the following oath of office:—

I, A. B., of _____, do swear that I will well and truly assess all claims for damages or compensation which may be submitted to me for my consideration under the provisions of "The Act to make valid and binding an Official Map of the City of Nanaimo."

Appointment of Board of Arbitrators within one month.

Oath of arbitrators.

And such oath of office, duly subscribed and sworn, shall be immediately thereafter filed in the office of the Clerk of the said Corporation. The compensation to the said arbitrators for their services in any matter under the provisions of this Act shall be paid by the Corporation of the City of Nanaimo.

Oath to be filed.

Compensation of arbitrators.

8. Any vacancy occurring in the said Board of Arbitrators by death, resignation, or otherwise may from time to time be filled by the appointment of another person by the said Corporation.

Vacancies, how filled.

9. Whenever any person shall be entitled to any compensation under this Act, it shall be the duty of the Corporation to tender to such person or his agent such a sum of money as the said Corporation shall consider a proper compensation for the damage sustained by such person; and in the event of such tender not being accepted and an arbitration being held under the provisions of this Act to determine the amount of such compensation, then in case the arbitrators shall award no greater sum than the amount tendered as aforesaid, the costs of the arbitration, including the costs of the said Corporation, shall be in the discretion of the arbitrators; but in case the said arbitrators shall award to such claimant a greater sum than the amount tendered as aforesaid, or in case no tender shall have been made, and compensation shall be awarded to the claimant, the cost of such arbitration, including the costs of the claimant, shall be borne by the said Corporation, and the said arbitrators shall so direct in their award.

Tender of compensation by the city.

Corporation may
appropriate funds
to carry out Act.

10. It shall be lawful for the Corporation of the City of Nanaimo, by resolution, to appropriate so much of the general funds of the said Corporation as may be necessary to carry out the provisions of this Act, and to pay any compensation which the said Corporation may be required to pay to any person claiming compensation under the provisions of this Act.

Short title.

11. This Act may be cited as the "City of Nanaimo Official Map Act, 1895."

New Westminster Incorporation (Amendment)	21st February, 1895.
North Vancouver Electric Company (Amendment)	21st February, 1895.
Stave River Electric and Power Company	21st February, 1895.
Vancouver Incorporation (Amendment) [Consolidated]	21st February, 1895.
Victoria Consolidated Hydraulic Mining Company	21st February, 1895.

A.D. 1896.

Cariboo Goldfields17th April, 1896.

CHAPTER 8.

An Act to authorize the Granting of a certain Land Subsidy for and in aid of the Columbia and Western Railway.

[17th April, 1896.]

Preamble.

WHEREAS an Act was passed at the present session of the Legislative Assembly of the Province of British Columbia incorporating the Columbia and Western Railway Company for constructing a line of railway as provided in the Company's Act of incorporation:

And whereas it is expedient to authorize the grant of a certain land subsidy to the said Company:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council to grant to the said Company lands in the Districts of Kootenay and Yale not exceeding ten thousand two hundred and forty acres for each mile of narrow-gauge railway to be constructed by the said Company, upon condition of their constructing the said Columbia and Western Railway within the time and according to the terms of their Act of incorporation.

Lieut.-Governor
may grant 10,240
acres per mile.

2. Upon the said Company filing with the Chief Commissioner of Lands and Works a map or plan, to the satisfaction of the Lieutenant-Governor in Council, showing the course and direction of the proposed railway upon one or more sections of said line of railway, from time to time, and the lands intended to be traversed, there shall be reserved from pre-emption and sale from the date of the filing of the plan or plans, from time to time, a tract of land extending sixteen miles on each side of the line of the section or sections as aforesaid of the proposed railway, and also such further area contiguous to the railway as the Lieutenant-Governor in Council may direct, in order to make up a sufficient quantity under this Act.

Reserve from pre-emption of lands on filing of plan with Chief Commissioner of Lands and Works.

3. The Company shall, within six months from the passage of this Act, deposit with the Provincial Government good and sufficient security, to the satisfaction of the Lieutenant-Governor in Council, in the sum of fifty thousand dollars, not as a penalty, but as liquidated and ascertained damages due to Her Majesty in right of the Province of British Columbia in case of default, conditioned that the line of railway from Trail to Penticton shall be built within four years from the date of the passage of this Act.

Security for building from Trail to Penticton within four years.

4. Within two years after the passage of this Act the Company shall define and project, in a manner satisfactory to the Chief Commissioner of Lands and Works, upon a plan of the located line of railway, or a section or sections thereof, wherever practicable, the boundary-lines of alternate blocks of land fronting upon each side of the line of the said railway and having a frontage of six miles on the said railway by a depth of sixteen miles, so that wherever practicable each block so selected and defined by the Company shall be opposite to a similar block not selected by the Company on the other side of the railway.

Selection of blocks of land by Company.

5. As the work of construction upon the railway proceeds as hereinafter provided, it shall be lawful for the Lieutenant-Governor in Council to issue Crown grants in favour of the Company, as the Company may from time to time request, not containing areas of less than one mile square, but in no case for a quantity of land exceeding the proportionate quantity to which the Company would be entitled under this Act according to the number of miles constructed. No lands shall be granted to the Company which are not

Issue of Crown grants.

Survey.

Proviso.

designated and surveyed by them within seven years from the passage of this Act, and such lands shall be surveyed by Provincial land surveyors according to the land laws of the Province, and the survey shall be at the expense of the Company: Provided, however, that the land earned by the Company shall be granted to the Company in the following manner: When section one of the railway is completed, the land earned under said section shall be granted to the Company; when section three of the railway is completed, the land earned under section three shall be granted to the Company; when section five of the railway is completed, the land earned under section four shall be granted to the Company; when section six of the railway is completed, the land earned under sections five and six shall be granted to the Company.

Company to have unoccupied Crown lands; how insufficiency made up.

6. The Company shall only be entitled to unoccupied Crown lands, and to make up for any area within any of the blocks of land to be selected by the Company which shall, before the selection by the Company, have been alienated by the Crown or held by pre-emption or as mineral claims, or where the blocks are of insufficient area on account of their proximity to the International Boundary, or other cause, upon any one or more of the said sections of the line of railway, upon satisfying the Lieutenant-Governor in Council of such fact or facts, the Company shall be entitled to equal areas of Crown lands in the said districts, to be taken up in blocks of not less than one mile square, and to be reserved, selected, and granted to the Company from time to time as the work proceeds in such manner as the Lieutenant-Governor in Council may determine, and in localities as near as practicable contiguous to the said line of railway; and this manner of reserving, selecting, and granting shall apply to all cases where the area covered by the said blocks is insufficient to make up the quantity to which the Company is entitled under this Act.

Right-of-way.

7. It shall be lawful for the Lieutenant-Governor in Council to grant to the Company a right-of-way not exceeding two hundred feet in width along the line of the railway and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto; such last-mentioned Crown lands to be limited to such quantity as the Lieutenant-Governor in Council shall consider reasonably necessary for the purposes of the Company.

Exemption from taxation.

8. The land to be granted to the Company shall not be subject to Provincial taxation until the expiration of ten years from the date of their acquisition by the Company, or until alienated by lease, agreement for sale, or otherwise by the Company, whichever event may the sooner happen; and the railway and equipment and stations, and station-grounds, workshops, buildings, yards, rolling-

stock, appurtenances, and other property required and used for the construction, equipment, and working of the said line of railway, and all personal property under or possessed by the said Company, and the capital stock of the Company, shall be free from Proximinal taxation until the lapse of ten years from the completion of the railway.

9. Nothing in this Act, and no grant to be made hereunder, shall be construed to interfere with free miners entering upon and searching for minerals and acquiring claims in accordance with the mining laws of the Province, and they shall also have the right to acquire the surface rights of mineral claims from the Company at a price not exceeding five dollars per acre, and the Company shall be bound to dispose of same to mineral-claim owners lawfully acquiring claims within the lands granted to the Company hereunder, except in cases where such claims are within the immediate vicinity of railway depots or townsites; in all such cases the price to be determined by arbitration conducted so far as practicable according to the provisions of the "Railway Act" relating to arbitration, and such provisions so far as practicable shall apply to such proceedings.

Free miners' rights.

10. In the event of the Company constructing a standard-gauge line of railway under the terms of its said Act of incorporation, it shall be entitled to a grant or grants in said districts of twenty thousand acres of land per mile of railway constructed, to be reserved, selected, and granted to the Company from time to time as the work proceeds in the manner prescribed in this Act; and where not otherwise provided for, in such manner as the Lieutenant-Governor in Council may determine.

Land grants in case of standard gauge.

11. Upon sections three, four, five, and six of the said railway, after the lands are reserved under this Act, and up to the time the same are defined and selected by the Company, all agricultural lands included therein shall be open for purchase or pre-emption by any person or persons, upon similar terms to those provided for the acquisition of Crown lands by the "Land Act Amendment Act, 1891," or pre-emption under the land laws of the Province, and the proceeds of such sales shall be received by the Provincial Government and held in trust for the Company until the said land is earned by the Company, when such proceeds are to be paid over to the Company.

Purchase and pre-emption of lands reserved by ss. 3, 4, 5, and 6.

12. The land subsidy granted by this Act shall apply only to sections one, three, four, five, and six of the main line of railway as described in the Schedule to the Act of incorporation of the Columbia and Western Railway Company, and not to branch lines.

Subsidy not to apply to branch lines.

13. All lands granted by this Act shall be subject to a royalty upon timber according to the land laws of the Province for the time being.

Timber royalty.

Coal royalty.

14. There is reserved to and for the use of Her Majesty, her heirs and successors, a royalty of five cents upon and in respect of each and every ton of coal raised or gotten from any lands acquired under the provisions of this Act.

Short title.

15. This Act may be recited as the "Columbia and Western Railway Subsidy Act, 1896."

CHAPTER 24.

An Act respecting the Royal Cariboo Hospital.

[17th April, 1896.]

Preamble.

WHEREAS the management of the Royal Cariboo Hospital is vested in a Board consisting of the Government Agent for the Cariboo District and three members elected by the residents of Barkerville, and the funds for carrying on the said institution are obtained from an annual grant voted by the Legislature and from public subscriptions:

And whereas the rules of the institution provide for the payment by parties who are able to afford it of certain rates for accommodation and attendance in the said institution, and it is advisable to empower the above rates to be sued for and collected by process of law, if necessary:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Royal Cariboo Hospital Act, 1896."

Recovery of fees,
etc.

2. The Government Agent for Cariboo District is hereby authorized and empowered to sue for and recover from such parties as may receive attendance, treatment, or maintenance in the said Hospital such rates and charges as have been or may be fixed and notified by the Board by general regulation or otherwise prior to the admission of any such person within such Hospital. All moneys collected under the authority of this section shall be devoted to the maintenance and management of the Hospital under the supervision of the said Board.

Disposition
of moneys.Treatment of
free patients
not affected.

3. This Act shall not affect the free treatment of such poor patients as from time to time are admitted into the Hospital and treated in accordance with the rules thereof.

CHAPTER 25.

An Act to incorporate the Royal Inland Hospital.

[17th April, 1896.]

WHEREAS it is expedient that the contributors for the time Preamble.
being to the support of the Royal Inland Hospital at Kamloops should be incorporated with and subject to the powers, privileges, restrictions, and provisions hereinafter mentioned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Subject to this Act and from the time of the coming into force Incorporation.
thereof, the following persons shall be a body corporate by the name of the “Royal Inland Hospital,” that is to say:—

All persons who shall subscribe to the support of the said Hospital the annual sum of five dollars for so long and during such time as they shall continue to be such annual subscribers to the support of the said Hospital; but any person who, under this section, would be a member of the body corporate may disassociate himself from the concern by a notice in writing delivered to the secretary.

2. It shall be lawful for the said body corporate to take, purchase, Power to acquire, hold, and sell real and personal property.
hold, and enjoy such lands, buildings, and hereditaments as may from time to time be required, used, or occupied for the immediate purposes and requirements of the said Hospital, and also any other lands and hereditaments whatsoever and wheresoever situate in the Province of British Columbia, and also to take, purchase, receive, hold, and enjoy any goods, chattels, and personal property, and also to sell, grant, convey, assure, demise, or otherwise dispose of, either absolutely or by way of mortgage or lease, any of the property, real or personal, belonging to the said body corporate.

3. The said Hospital and the property of the said body corporate shall be governed, managed, and disposed of by the Board of Board of Directors, constitution of.
Directors for the time being, subject to the by-laws, rules, and regulations for the time being of the said body corporate, and such Board of Directors shall consist of twelve persons, ten of whom shall be elected as hereinafter provided, and two of whom shall be appointed from time to time by the Lieutenant-Governor in Council. Five directors shall form a quorum of such Board for the doing of Quorum.
any act or performing or transacting any business which may, under the provisions of this Act, or the by-laws, rules, and regulations of the said corporate body, be done, performed, or transacted.

4. The present Board of Directors of the said Hospital as at Present directors continued in office.
present constituted, namely, James Ogden Grahame, James McIntosh,

J. A. Mara, R. H. Lee, R. E. Smith, James Vair, Joseph Ratchford, Michael Sullivan, E. A. Nash, and Frederick J. Fulton, shall continue to hold office until the first annual meeting of subscribers to the said Hospital and election of directors as hereinafter provided.

Election of
directors.

5. Within one month after the passing of this Act the said Board of Directors shall call a meeting of the annual subscribers to the support and maintenance of the said Hospital to the amount of five dollars each and upwards, by an advertisement in the Inland Sentinel newspaper, published at Kamloops aforesaid, for one week before the time of such meeting, for the purpose of electing directors to represent such annual subscribers at the Board of Directors, as the same shall thenceforth be constituted, and at such meeting such subscribers shall elect ten directors, and the Lieutenant-Governor in Council may appoint two directors; but no person shall be eligible to the office of director unless he shall be an annual subscriber to the support of the said Hospital to the amount of five dollars and upwards.

Lieut.-Governor
may appoint two.

Directors' term
of office, etc.

6. The ordinary term of office of all directors elected by subscribers to the Hospital shall be for three years and until their successors are duly elected, but of the directors so elected as in the last preceding section mentioned, four shall retire at the end of one year and three at the end of two years, and the directors who are to retire at the end of the first and second year respectively shall be determined by lot. At every annual meeting, to be held in the month of February in each year, three or four directors, as the case may be, shall be elected to fill the vacancies of those whose term of office has expired. In case there be more candidates than there are vacancies in the Board of Directors, the election shall be by ballot, and all retiring directors shall be eligible for re-election.

Ballot.

In case of vacancy
of directors
occurring.

7. In the event of any one of such directors so elected as aforesaid ceasing to be a director, the Board of Directors shall within two months of such vacancy nominate and appoint some other person from among the then annual subscribers of amounts not less than five dollars per annum to the support of the said Hospital to be a director in the place of such person so ceasing to be a director as aforesaid, and every director so appointed shall for all the purposes and provisions of this Act be taken to be a director in the same manner as if he had been duly elected at an annual meeting of subscribers, and shall hold office for the unexpired term of the person in place of whom he is elected: Provided always that when and so often as any person appointed by the Lieutenant-Governor in Council ceases to be a director, some other person shall be appointed by the Lieutenant-Governor in Council.

Board of Directors,
powers of.

8. It shall be lawful for the Board of Directors at any time and from time to time to make, repeal, and alter by-laws, rules, and regu-

lations for governing, managing, and disposing of the said Hospital and property of the said body corporate referred to in section 3, for regulating their own times and modes of meetings and transacting business, for determining the qualifications, disqualifications, change, retirement, election, and appointment of directors (except as herein provided), medical officers, auditors, executive and other officers, and nursing staff, and sub-committees of the said Hospital, and generally for the support, management, and government of the said institution, and of all officers, servants, and patients thereof: Provided that no such by-laws, rules, or regulations shall be in any way repugnant to or inconsistent with any of the provisions in this Act contained.

9. A copy of any such by-laws, rules, and regulations, sealed with the seal of the said body corporate and purporting to be certified by the secretary for the time being of the said institution as being correct, shall be received in any Court in this Province as evidence of such by-laws, rules, and regulations. Proof of by-law.

10. It shall be lawful for the Board of Directors from time to time, and for the time being, to invest any of the funds of the said body corporate which may not, in the opinion of such Board of Directors, be required for the current expenses of the said Hospital, and any moneys given or bequeathed to the said Hospital, or arising from the sale of property, granted, devised, and bequeathed or given to the said Hospital, according to the discretion of such Board of Directors, in any Parliamentary or Government stock or funds or debentures of Great Britain or Canada, or of the Province of British Columbia, or in any debentures or debenture stock of any municipal corporation in the said Province, the interest and payment whereof is guaranteed by Government, or by way of purchase, mortgage, or otherwise upon any freehold estate in the said Province, with power from time to time and at any time to vary and transfer any such investment for or into any other investment of a like kind: Provided always that it shall be lawful for the Board of Directors at any time and from time to time, in their discretion, to resort to any such investments and to realize the same for the purpose of applying the proceeds thereof in or towards any then current or immediate expense or requirement of the said Hospital. Investment of funds of Board.
Proviso.

11. The Board of Directors shall from time to time elect and appoint from among such Board such and so many committees or sub-committees as they may think fit for transacting the affairs and business of the said Hospital, with and subject to such powers, privileges, provisions, and conditions as shall be provided and declared by the by-laws, rules, and regulations of the said Hospital for the time being. Appointment of committees.

12. No irregularity, informality, or illegality in the election of any director or officer of the said Hospital shall be taken or construed Irregularity of election.

to render illegal or invalid any act, deed, matter, or thing done or executed or suffered to be done or executed by the Board of Directors or by such director or officer in pursuance of such election or appointment; but any such election or appointment may, in such a way as may be provided for in the said by-laws for the time being, be determined to be good or bad, and if bad, the vacancy shall be supplied in such way as may be provided for in such by-laws.

Common seal.

13. It shall be lawful for the said Board of Directors to design at any time, and from time to time to change or alter, the common seal of the said body corporate.

Clergymen to be admitted, but not eligible for directors.

14. All clergymen and ministers of religion of every denomination shall have free admittance at all reasonable times to the patients in the said Hospital, but in no case shall any clergyman or minister of religion of any denomination be eligible to the office of director of the said Hospital.

Recovery of fees, etc.

15. It shall be lawful for the treasurer of the said Hospital at any time to institute and prosecute, in the name and on behalf of the said body corporate, proceedings in any Court against any person who may have received medical or surgical care and attention, or both, or nursing and attendance in the said Hospital, or against the executors or administrators of any such person, or against the committee or receiver of the estate of any such person, for the recovery of fees and remuneration for such care and attention; and any amount recovered in any such proceedings shall be applied in such way as may be provided by the said by-laws for the time being.

Meaning of "body corporate," "Board of Directors," and "treasurer."

16. The words "body corporate" in this Act shall in all cases mean the said corporation of the Royal Inland Hospital hereby created. The words the "Board of Directors" in this Act shall in all cases mean the Board of Directors as the same shall for the time being and from time to time consist and be constituted, either in number or otherwise. The word "treasurer" in this Act shall in all cases mean the treasurer for the time being, or any person appointed to act, and for the time being acting, in the capacity of treasurer for the said body corporate.

Short title.

17. This Act may for all purposes be cited as the "Royal Inland Hospital Act, 1896."

Alberni Water, Electric, and Telephone Company . . .	17th April, 1896.
Antler Creek Mining Company	17th April, 1896.
Ashcroft and Cariboo Railway Company	17th April, 1896.
British Columbia Southern Railway Company (Amendment)	17th April, 1896.
Columbia and Western Railway Company	17th April, 1896.
Consolidated Railway and Light Company	17th April, 1896.
Lightning Creek Gold Gravels and Drainage Com- pany	17th April, 1896.
Lillooet, Fraser River, and Cariboo Goldfields . . .	17th April, 1896.
Nelson Electric Light Company (Amendment) . . .	17th April, 1896.
New Westminster and Burrard Inlet Telephone Company (Amendment)	17th April, 1896.
New Westminster and Vancouver Short Line Rail- way (Amendment)	17th April, 1896.
Rossland Water and Light Company	17th April, 1896.
Sandon Waterworks and Light Company	17th April, 1896.
Vernon and Nelson Telephone Company (Amend- ment)	17th April, 1896.

CHAPTER 16.

An Act to accelerate the Incorporation of Towns and Cities.

[4th March, 1897.]

WHEREAS the residents of the Towns of Nelson and Rossland, in the District of Kootenay, and Grand Forks, in the District of Yale, are desirous of securing immediate incorporation, but are prevented therefrom by the provisions of the "Municipalities Incorporation Act, 1896," which necessitate, amongst other requirements, notices and petitions: Preamble.

And whereas the exigencies of the case justify a departure from the general statutory conditions:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Speedy Incorporation of Towns Act, 1897." Short title.

Incorporation by letters patent of "Nelson," "Ross-land," and "Grand Forks."

2. It shall be lawful for the Lieutenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 2 of the "Municipalities Incorporation Act, 1896," by separate Letters Patent under the Public Seal, to incorporate under the said Act into a city each of the three separate tracts of land set out in the Schedule hereto under the respective headings of "The City of Nelson," "The City of Ross-land," and "The City of Grand Forks"; and such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of the said "Municipalities Incorporation Act, 1896," save and except as provided in the following sections of this Act, which shall apply to all such municipalities.

What letters patent shall specify.

3. The letters patent incorporating any such city corporation shall, in addition to specifying and providing for all matters referred to in section 4 of the "Municipalities Incorporation Act, 1896," specify and provide for the matters referred to in section 4, subsections (a) and (b), and section 5, subsections (a) and (b), of this Act.

Qualification for Mayor at first election.

4. The persons qualified to be nominated for and elected Mayor of such city at the first election shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

- (a.) Have been for the three months next preceding the day of nomination the registered owners in the Land Registry Office of land or real property in the city of the value of one thousand dollars over and above any registered encumbrance, and are otherwise qualified to vote at such election; or
- (b.) Who have been for such three months the sole tenants in possession of land or real property in the city of the value of two thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election.

Qualification of Aldermen at first election.

5. The persons qualified to be nominated for and elected as Aldermen of such city at the first election shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

- (a.) Have been for the three months next preceding the day of nomination the registered owners in the Land Registry Office of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and are otherwise qualified to vote at such election; or
- (b.) Who have been for such three months the sole tenants in possession of land or real property in the city of the value

of one thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election.

6. Until the said municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city. Wards.

7. The Mayor and Aldermen elected at such first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified. Term of office of those first elected.

8. The persons qualified to vote for Mayor and Aldermen at such first election shall be all such persons who are male British subjects of the full age of twenty-one years and have resided in the limits of such city for the three months next preceding the date of such election, and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election. Qualification of voters at first election.

9. It shall be the duty of the Returning Officer to enter in a book, by alphabetical order, the names, addresses, and occupations of all such persons, qualified under section 8 of this Act, who make application to him as aforesaid to have their names placed on such list, and such list shall be the list of the electors for such elections. Entry by Returning Officer of certain particulars.

10. Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorized to administer oaths, setting forth his name, address, occupation, and qualifications under this Act. Declaration.

11. The Council may, in the year 1897, but not afterwards, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts, on the rateable lands or improvements, either or both, or the rateable real property of the municipality, for any works of immediate necessity which are within the jurisdiction of the Council; such debts, however, not to exceed in the whole, in the case of the City of Rossland, the sum of fifty thousand dollars (\$50,000); in the case of the City of Nelson, the sum of fifty thousand dollars (\$50,000); in the case of the City of Grand Forks, the sum of twenty thousand dollars (\$20,000), without observing the provisions of section 69, subsection (3) of section 70, subsection (c) of section 71, sections 75, 76, 77, or 79 of the "Municipal Clauses Act, 1896." Borrowing-powers.

12. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the municipi- Sewage.

pality in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond the limits of the said municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid:

Expropriation of
water for use of
municipality.

- (a.) It shall be lawful for the said cities, and they are hereby empowered, at any time hereafter to take and divert from any stream or streams as may be found most suitable, and to appropriate and use, sufficient unappropriated water for all purposes of the said municipality, and from time to time to construct all works that may be necessary for efficiently using such water, and to erect dams, raceways, and all works which may be necessary for the maintenance of such water privileges, and to exercise all the power mentioned in the "Water Privileges Act, 1892." And it shall also be lawful for the said cities or any of them, and they are and each of them is hereby empowered, to construct, equip, operate, and maintain a system of electric lighting for domestic and other purposes within and about the said municipalities or any of them.

Board of Licence
Commissioners.

13. A special meeting of the Board of Licence Commissioners for the said city shall be held, at a time to be fixed by the Mayor, not less than one month or more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 177 of the "Municipal Clauses Act, 1896," may be had and exercised.

Road-tax.

14. It shall be lawful for the Council to levy and collect a road-tax for the whole of the year 1897 in the same manner and to the same extent as if the Corporation had existed from the first day of January, 1897.

Taxation of mineral
lands.

15. The taxation of land within the municipality whereunder lie mines or minerals, a title to which has been duly acquired under the mining laws of the Province, shall be governed as follows:—

- (a.) No municipal taxes shall be chargeable upon minerals contained in a mine, or upon the workings of a mine, or upon so much of the land covered by a mineral claim or mine as is used directly in connection with such workings, or upon any improvements erected or made upon such land as are so made for the purpose of working the mine, and which are put to such use and to no other or extraneous use:
- (b.) Where the fee-simple in any land has been divested from the Crown, either by a separate grant of the surface or by a grant of the minerals which, by the law in force at the time of the issue thereof, included a grant of the surface, the lands shall be taxable at their value as real estate,

except such portions as are occupied by the workings of the mine or used directly in connection with such workings, or occupied by improvements made and used for the purpose of working the mine:

(c.) Where the land—

(1.) Is still vested in the Crown, but is included within a mineral claim for which no Crown grant has been issued; or

(2.) Has been patented under a Crown grant issued under the mining laws,—

and under either of such titles the owner is entitled to “the surface rights, so long as he holds the said claim or mine for the purpose of developing the mineral contained therein, but no longer,” the said lands shall, subject to clause (d), be exempt from municipal taxation:

(d.) Where any of the lands mentioned in clause (c) are occupied otherwise than by the workings of the mine, or put to a use not directly in connection with such workings, or occupied otherwise than by improvements made and used for the purpose of working the mine, then so much of said lands as are so occupied and used shall be subject to taxation to the same extent as if the same were held in fee-simple by the occupant.

16. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality a rateable part of the real-estate tax collected upon property within the city for the year 1897, proportioned to the fraction of the year during which the city is governed by the charter issued under authority of this Act.

Payment by Government to city of rateable part of real-estate tax.

17. All licences heretofore issued shall be valid until the expiration of the period named in the same, and upon expiry the reissue shall be regulated by the statutory provisions governing the city.

Existing licences.

18. The Council may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about procuring the incorporation of the said city as they may deem proper.

Costs of incorporation, payment of.

19. All the provisions of the “Municipal Clauses Act, 1896,” the “Municipal Elections Act, 1896,” and “Municipalities Incorporation Act, 1896,” shall apply to any municipality incorporated under the provisions of this Act, except when the provisions of such Acts are repugnant to the provisions of this Act.

Application of “Municipal Clauses Act, 1896,” “Municipalities Incorporation Act, 1896,” and “Municipal Elections Act, 1896.”

And whereas it is desirable to extend equal facilities to the residents of other towns which are brought into existence or prominence during the present year by reason of the rapid development of the mining resources of the Province:

Therefore, be it further enacted:—

Incorporation by
letters patent of
other localities.

20. It shall be further lawful for the Lieutenant-Governor in Council, by Letters Patent under the Public Seal, to incorporate into a city or town municipality any locality in the Province under the following conditions:—

- (a.) Upon receiving, prior to the first September, 1897, a petition for incorporation, dated as to each signature, and signed by the owners, as shown by the register of absolute fees in the Land Registry Office of the land registry district in which such proposed municipality is situated, of more than one-half in value of the land to be included within the limits of such municipality if incorporated; such value to be ascertained from the then last revised Provincial assessment roll:
- (b.) The land referred to in the petition, and which may be included in the municipality to be created, shall not extend over or exceed in area two thousand acres:
- (c.) Every such petition shall state the total number of persons entitled to petition, and their names, the assessed value of the land of each person signing such petition, the proposed name of the municipality, and a description by metes and bounds of the tract of land to be incorporated.

Effect of.

21. Any such letters patent shall have the same force and effect as letters patent issued under the provisions of section 2 of this Act, and sections 3 to 19, inclusive, of this Act shall apply to such letters patent, and to the city or town municipality incorporated thereby.

Schedule.

SCHEDULE.

THE CITY OF NELSON.

The City of Nelson. All those pieces or parcels of land situate, lying, and being in Kootenay District, in the Province of British Columbia, upon the official map of the said district known and numbered as Lot 95, Group 1, containing three hundred and seventy-two acres, more or less, and Lot 150, Group 1.

THE CITY OF ROSSLAND.

The City of
Rossland.

All that piece or parcel of land situate, lying, and being in Kootenay District, in the Province of British Columbia, upon the official map of the said district known as Sections 34 and 35, and the North Half of Sections 26 and 27, in Township IXA., in the said district, bounded and described as follows: Commencing at a point on the southern boundary of Township 28, District of Kootenay, said point being the intersection of Sections 3 and 4, Township 28, and Sections 33 and 34, Township IXA., Kootenay District; thence due south one hundred and twenty chains to a point; thence due east one hundred and sixty chains to a point; thence due north one hundred and twenty chains, more or less, to the said southern boundary of Township 28; thence due west along the southern boundary of Township 28 one hundred and sixty chains, more or less, to the point of commencement; containing altogether one thousand nine hundred and twenty acres, more or less.

THE CITY OF GRAND FORKS.

All that piece or parcel of land situate in the Osoyoos Division of Yale District, bounded as follows: Commencing at a point where the northerly boundary of Lot 585, Group 1, in said division, produced easterly, would intersect the centre of the North Fork of Kettle River; thence westerly following the said northerly boundary of Lot 585 to the north-west corner thereof; thence southerly following the westerly boundary of said Lot 585 to the south-easterly corner of Lot 746; thence westerly following the southerly boundary of Lot 746 to the north-west corner of Lot 381; thence southerly along the western boundaries of Lots 381 and 382 to the south-west corner of said Lot 382; thence easterly following the southerly boundary of said Lot 382 to the centre of Kettle River; thence northerly and easterly following the centre of said Kettle River to where it intersects the southerly boundary of Lot 493 produced westerly; thence easterly following the southerly boundary of Lot 493 twenty chains; thence due north forty chains, more or less, to the northerly boundary of said Lot 493; thence westerly following the northerly boundary of said Lot 493 produced to the centre of the said North Fork of Kettle River; thence northerly and westerly following the centre of said North Fork of Kettle River to the place of commencement; containing seven hundred and thirty-seven acres, more or less.

The City of
Grand Forks.

CHAPTER 18.

An Act to make valid the "Tax By-law, 1894," and the
"Tax By-law, 1895," of the Municipal Council of
the Corporation of the City of Kaslo.

[8th May, 1897.]

WHEREAS doubts have arisen as to the validity of the "Tax By-law, 1894," of the Municipal Council of the Corporation of the City of Kaslo, finally passed by the Municipal Council on the second day of February, A.D. 1894:

Preamble.

And whereas doubts have arisen as to the validity of the "Tax By-law, 1895," of the Municipal Council of the Corporation of the City of Kaslo, finally passed by the Municipal Council on the seventh day of March, A.D. 1895:

And whereas it is desirable that all doubts as to the validity of the said tax by-laws should be removed:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "City of Kaslo Validating Act, Short title. 1897."

Validation of
certain by-laws.

2. Notwithstanding any provision of the "Municipal Act, 1892," or any of its amending Acts, and notwithstanding any departure from the provisions of such Acts, the rates settled, imposed, and levied by the "Tax By-law, 1894," and the "Tax By-law, 1895," of the Municipal Council of the Corporation of the City of Kaslo, upon real property and upon improvements, are hereby declared to have been duly imposed for the years 1894 and 1895, and the taxes levied and collected thereunder are hereby declared to have been legally levied and collected as if such rates had been imposed by by-law duly and legally passed during each of the said years 1894 and 1895: Provided, however, that this section shall not affect any suit now pending in the Supreme Court or in any County Court in this Province, or any rights which the Kaslo and Slocan Railway Company, or the Kaslo and Kootenay Land Company, or either of them, may have in respect of total or partial exemption from taxation.

Loan and Public Works8th May, 1897.
Parliament Buildings Equipment8th May, 1897.

CHAPTER 33.

1894, c. 30.

An Act to specifically correct an Ambiguity in the "British Columbia Southern Railway Aid Act, 1894," by striking out the words "and (c)" in line 6 of section 2, and inserting the word "and" between (a) (b) in the same line.

[4th March, 1897.]

Preamble.

WHEREAS in an Act of the Legislature, 57 Victoria, chapter 39 (1894), intituled the "British Columbia Southern Railway Aid Act, 1894," an ambiguity occurs between the intention of the preamble and line 6, section 2, of the said Act, inasmuch as the wording of that portion of the section would purport to convey an extension of a land grant to the third section of the railway, which was not contemplated by the Act nor applied for by the grantees:

And whereas the grantees have not in any contracts under the security of the said Act assumed any right or title to a land grant for any section of the British Columbia Southern Railway further than sections (a) and (b) of section 8 of the "British Columbia Southern Railway Company's Act, 1894":

And whereas the correction of the aforesaid ambiguity will not affect any contracts already made under the security of the Act of the Legislature:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act shall be intituled "An Act to specifically correct an Short title.
Ambiguity in the 'British Columbia Southern Railway Aid Act, 1894,' by striking out the words 'and (c)' in line 6 of section 2, and inserting the word 'and' between (a) (b) in the same line."

2. Section 2 of the said Act is hereby repealed, and the following Repeals s. 2.
enacted in lieu thereof:—

"2. The grant in favour of the British Columbia Southern Rail- Limits land grant.
way, authorized by the 'Railway Aid Act, 1890,' as amended by 'An Act to make Further Provision for a Land Subsidy for and in aid of the British Columbia Southern Railway Company,' is hereby extended and applied to the several sections of said railway, as described in subsections (a) and (b) of section 8 of the 'British Columbia Southern Railway Act, 1894.'"

CHAPTER 34.

An Act respecting the Canadian Western Central Railway.

1889, c. 34;
1892, c. 36;
1893, c. 39;
1895, c. 4.

[8th May, 1897.]

WHEREAS, by the "Canada Western Extension Act, 1895," it Preamble.
was provided that, notwithstanding anything in the "Canada Western Incorporation Act, 1889," the whole work of the said railway should be completed within eight (8) years from the first of May, one thousand eight hundred and ninety-six, and that in the meantime the said work should be prosecuted by the expenditure of a sum of not less than two hundred thousand dollars per annum, commencing on the first of May, one thousand eight hundred and ninety-six:

And whereas it is expedient to extend the time for the commencement of the yearly expenditure therein mentioned:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Time of completion,
expenditure, etc.

1. Notwithstanding anything in the hereinbefore-recited Act, or the "Canada Western Incorporation Act, 1889," the whole work shall be completed within six (6) years from the twenty-second day of June, one thousand eight hundred and ninety-eight, and in the meantime shall be prosecuted by expenditure of a sum of not less than two hundred thousand dollars per annum, commencing not later than the twenty-second day of June, one thousand eight hundred and ninety-eight.

In default,
subsidy avoided.

2. In default of the yearly expenditure provided by this Act, and completion of the road in compliance herewith, the land subsidy and other privileges conferred by the "Canadian Western Subsidy Act," and all other benefits conferred upon the Company, whether by that Act or any other Act, shall cease and determine; but upon compliance by the Company with the condition of the provisions contained in the "Canadian Western Subsidy Act" and the "Canada Western Incorporation Act, 1889," as they are by this Act modified, all subsidies, franchises, rights, privileges, and powers granted, or authorized to be granted, to the Company by any law of the Province shall be fully ratified and confirmed.

Repeals 1895, c. 4,
ss. 2 and 3.

3. Sections 2 and 3 of the "Canada Western Extension Act, 1895," are hereby repealed.

Short title.

4. This Act may be cited as the "Canada Western Extension Act, 1897."

Cassiar Central Railway Aid8th May, 1897.

CHAPTER 36.

An Act to amend the "Kaslo and Slocan Railway
Subsidy Act, 1892." 1892, c. 37.

[8th May, 1897.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

1. This Act may be cited as the "Kaslo and Slocan Railway Short title.
Subsidy Act Amendment Act, 1897."

2. The time limited by section 4 of the "Kaslo and Slocan Railway Time for designation
of land extended.
Subsidy Act, 1892," for designating and surveying the lands to be
granted to the Kaslo and Slocan Railway Company, in pursuance
of the said section, is hereby extended for six months after the
passage of this Act.

3. Nothing in this Act contained shall be held to extend the time Extension not to
apply to exemption
from taxation.
for exemption from taxation of the lands selected more than, at most,
ten years from eighth April, 1893, the furthest date at which, by the
"Kaslo and Slocan Railway Subsidy Act, 1892," section 3, the lands
were to be selected.

CHAPTER 37.

An Act to amend the "Nelson and Fort Sheppard 1892, c. 38.
Railway Subsidy Act, 1892."

[8th May, 1897.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

1. This Act may be cited as the "Nelson and Fort Sheppard Rail- Short title.
way Subsidy Act Amendment Act, 1897."

2. The time limited by section 4 of the "Nelson and Fort Shep- Extension of time
for designation of
lands.
yard Railway Subsidy Act, 1892," for designating and surveying the
lands to be granted to the Nelson and Fort Sheppard Railway
Company, in pursuance of the said section, is hereby extended for
six months after the passage of this Act.

Time of exemption
from taxation not
extended.

3. Nothing in this Act contained shall be held to extend the time for exemption from taxation of the land selected more than, at most, ten years from eighth April, 1893, the furthest date at which, by the "Nelson and Fort Sheppard Railway Subsidy Act, 1892," section 3, the lands were to be selected.

Northern Railways Aid	8th May, 1897.
Barkerville, Ashcroft, and Kamloops Railway Com- pany	8th May, 1897.
Bedlington and Nelson Railway Company	8th May, 1897.
Brandon Water and Light Company	8th May, 1897.
British Columbia-Yukon Railway Company	8th May, 1897.
Cariboo Railway Company Consolidation (Amend- ment)	8th May, 1897.
Cascade Water, Power, and Light Company	8th May, 1897.
Cassiar Central Railway	8th May, 1897.
Cumberland and Union Waterworks Company	8th May, 1897.
Delta, New Westminster, and Eastern Railway Com- pany (Amendment)	8th May, 1897.
Fairview Power, Water, and Telephone Company	8th May, 1897.
Grand Forks Water, Power, and Light Company	8th May, 1897.
Greenwood City Waterworks Company	8th May, 1897.
Kaslo and Lardo-Duncan Railway Company	8th May, 1897.
Kootenay Electric Company	8th May, 1897.
Kootenay Power and Light Company	8th May, 1897.
East Kootenay Railway Company	8th May, 1897.
South Kootenay Water-power Company	8th May, 1897.
West Kootenay Power and Light Company	8th May, 1897.
Lardeau Railway Company	8th May, 1897.
Lillooet, Fraser River, and Cariboo Goldfields (Amendment)	8th May, 1897.
Nanaimo-Alberni Railway Company	8th May, 1897.
Okanagan Water-power Company	8th May, 1897.
Pend d'Oreille Power and Light Company	8th May, 1897.
Revelstoke, Trout Lake, and Big Bend Telephone Company	8th May, 1897.
Revelstoke Water, Light, and Power Company	8th May, 1897.
Stickeen and Teslin Railway, Navigation, and Colon- ization Company	8th May, 1897.
Trail Water Company	8th May, 1897.
Vancouver and Lulu Island Railway (Amendment) ..	8th May, 1897.

Vancouver-Nanaimo Railway Transfer Company.....	8th May, 1897.
Vancouver, Victoria, and Eastern Railway and Navigation Company	8th May, 1897.
Victoria, Vancouver, and Westminster Railway Company (Amendment)	8th May, 1897.
Yukon Mining, Trading, and Transportation Company	8th May, 1897.

CHAPTER 12.

An Act to amend the "Columbia and Western Railway Subsidy Act, 1896." 1896, c. 8.

[19th April, 1898.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Columbia and Western Railway Subsidy Act Amendment Act, 1898." Short title.

2. The time limited by section 4 of the "Columbia and Western Railway Subsidy Act, 1896," for defining and projecting the lands to be granted to the Columbia and Western Railway Company in pursuance of said section is hereby extended for nine months as and from the seventeenth April, 1898, notwithstanding that the provisions of said section 4 have not been complied with. Extension of time for selection of blocks of land by the Company.

CHAPTER 16.

An Act to define the Boundaries of the Corporation of the District of North Cowichan.

[20th May, 1898.]

WHEREAS, by Letters Patent under the Public Seal of the Province, bearing date the eighteenth day of June, 1873, issued under and by virtue of the "Municipality Act, 1872," and the "Municipality Amendment Act, 1873," the inhabitants of all that parcel of land referred to and described in the said letters Preamble.

patent as the District of Cowichan North and the District of Chemainus were incorporated as a municipality by the name and style of "The Corporation of the District of North Cowichan":

And whereas, for want of a more accurate definition of the boundaries of the said municipality, difficulties have arisen in ascertaining the limits and extent of the municipality:

And whereas it is expedient that the said boundaries should be defined and declared, and any doubts as to the validity of the acts of the municipality arising by reason of such uncertainty should be removed:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "North Cowichan Municipality Boundaries Act, 1898."

Boundaries of The Corporation of the District of North Cowichan defined.

2. The boundaries of the municipal limits of the said The Corporation of the District of North Cowichan are hereby declared and defined to be as follows: Commencing at a point where the line between Sections 11 and 12, Range III., Cowichan District, intersects the shore-line of Cowichan Bay; thence west to the west boundary-line of Section 12, Range III., in said district; thence due north to the north-west corner of Section 16, Range III., in said district; thence due west along the line between Sections 16 and 17, Ranges II. and I., in said district, and Range VIII., Quamichan District, to the north-west corner of Section 16, Range VIII., in said Quamichan District; thence due south to the south-west corner of Section 15, Range VIII., in the said Quamichan District; thence due west to the south-west corner of Section 15, Range VII., in the said Quamichan District; thence due north to the north-west corner of Section 16, Range VII., in the said Quamichan District; thence due west along the line between Sections 16 and 17, in Ranges VI. and V., in said Quamichan District, to the centre of the Cowichan River, in Range IV., in the said district; thence westerly following the course of the river to its intersection with the west boundary-line of said Quamichan District; thence due north along the west boundary of Quamichan, Somenos, and Chemainus Districts to the north-west corner of Section 20, Range I., Chemainus District; thence east along the north boundary-line of Chemainus District to the coast-line; thence following the coast-line to the point of commencement; and which said boundaries are more particularly shown upon a map or plan thereof deposited in the office of the Chief Commissioner of Lands and Works, and there marked "Lands and Works Department file L.I. No. 2327/98": Provided, nevertheless, and it is hereby declared, that no Indian reserve within the said area shall be deemed to be within the said municipality.

3. The by-laws and resolutions of the said municipality shall extend to the said limits and shall continue in force until altered or repealed; and all by-laws and resolutions heretofore passed by the said municipality or the Council thereof, and all decisions, orders, or proceedings and all acts and things done or required to be done by the said Council, shall notwithstanding any doubts to the contrary, be deemed to be or to have been valid to all intents and purposes whatsoever as if the boundaries and extent of the said municipality had been described as hereinbefore contained.

Application of
the by-laws.

4. The said municipality, and the Council, officers, agents, and servants thereof, are hereby indemnified from all actions, claims, and demands for or by reason of any act, matter, or thing purporting to have been done, omitted, or suffered with regard to matters or things within the said limits, but which prove to be or to have been without the said limits.

Indemnity to Coun-
cil, officers, etc.

CHAPTER 17.

An Act respecting the Construction of certain Dyking-works.

[20th May, 1898.]

WHEREAS, by the "Dyking Debenture Act, 1897," the Lieutenant-Governor in Council was authorized to purchase certain dyking debentures, set out in the Schedule to the said Act, of the face value of three hundred and twenty-four thousand dollars, the interest whereon had been theretofore guaranteed by the Government, and for that purpose to issue and sell Provincial debentures for a sum not exceeding three hundred and twenty-four thousand dollars, and was further authorized to borrow for the purpose of expending in strengthening, repairing, and extending the dyking-works in the districts referred to in the said Schedule a sum not exceeding one hundred and fifty thousand dollars:

Preamble.

And whereas by said Act it was further in effect provided that the Lieutenant-Governor in Council might make and promulgate rules and regulations for carrying out the details of the purchase of said debentures and the execution of such repairs:

And whereas, in pursuance of the powers in said Act contained, the Lieutenant-Governor in Council has purchased all the debentures set out in the said Schedule, by the issue and exchange therefor of debentures for the total sum of three hundred and fourteen thousand

dollars, represented by three hundred and fourteen debentures of one thousand dollars each, dated the first day of November, A.D. 1897, and numbered arithmetically from one to three hundred and fourteen, inclusive, payable forty years from the first day of July, 1897, and bearing interest at the rate of three and one-half per cent. per annum, payable half-yearly; and by the sale of debentures for the total sum of seven thousand dollars, represented by seven debentures of the like amount, tenor, effect, and date as the last-mentioned debentures, and numbered arithmetically from four hundred and sixty-five to four hundred and seventy-one, inclusive:

And whereas, in further pursuance of the powers in said Act contained, the Lieutenant-Governor in Council has issued one hundred and fifty further debentures, each of the same amount, tenor, effect, and date as such last-mentioned debentures, and numbered arithmetically from three hundred and fifteen to four hundred and sixty-four, inclusive:

And whereas said "Dyking Debenture Act, 1897," and the regulations made thereunder contemplate the retention by the Government of the Commissioners' debentures, purchased as aforesaid, as security for the moneys expended in the purchase thereof, but it is advisable to consolidate the charges against the lands for dyking-works, and to carry out such purpose a plan, memorandum, and assessment roll for each of the existing districts, based upon a consolidation of the charges for dyking-works against the lands within the said districts, were, in accordance with the provisions of subsections (a), (b), and (c) of section 13 of the "Drainage, Dyking, and Irrigation Act," duly filed by the Inspector of Dykes in the proper Land Registry Office on the dates following, viz.: For Matsqui, Coquitlam, and Pitt Meadows, on the twenty-eighth January, 1898; for Maple Ridge and Sumas, on the eighteenth April, 1898, from which several plans, memoranda, and assessment rolls it appears that there will be required to meet the cost of the strengthening, repair, completion, and extension of the dyking-works, including salaries of officers and all expenses, and also to meet the amounts paid for purchase of the Commissioners' debentures and expenses incidental to such purchase, and also to meet the expenses theretofore incurred by the Government on account of supervision, inspection, and otherwise, and also to meet the just liabilities of the Commissioners heretofore acting for the several existing districts, the following respective amounts, viz.:—

Maple Ridge	\$185,364 18
Sumas	19,728 75
Coquitlam	115,742 90
Pitt Meadows	79,938 99
Matsqui	106,445 24

\$507,220 06

And whereas these amounts, in the aggregate, exceed the sum authorized under the provisions of the "Dyking Debentures Act, 1897," and it is advisable to authorize the issue of further debentures to supplement the issue under the said Act:

And whereas it is advisable to confirm all that has been done under the provisions of the said "Dyking Debenture Act, 1897," or of the said regulations to carry out said Act, and to embody herein all provisions, whether heretofore contained in regulations or otherwise, which may be necessary for the carrying-out of the said works, and to make full and adequate provision therefor:

And whereas large dyking-works in other districts are urgently needed, and can most economically be carried out by the application thereto of the system now applied to the existing districts, and it is advisable to enable the same to be undertaken under certain conditions, and for that purpose to sanction the borrowing of certain moneys not to exceed the totals hereinafter referred to:

And whereas it is necessary to make provision for ascertaining and verifying all claims against or liabilities of the Commissioners heretofore acting for the existing districts, or other districts to which this Act may be applied, where such liabilities are assumed as portion of the cost of construction of the new works:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Public Dyking Act, 1898."

Short title.

2. The purchase by the Lieutenant-Governor in Council of the dyking debentures set out in the Schedule to the "Dyking Debenture Act, 1897," in pursuance of the powers in said Act contained, is hereby confirmed.

Confirmation of purchase by Lieut.-Governor in Council of certain debentures.

3. The hereinbefore-recited debentures, numbered arithmetically from one to four hundred and seventy-one, inclusive, for the aggregate amount of four hundred and seventy-one thousand dollars, dated the first day of November, 1897, payable forty years from the first day of July, 1897, and bearing interest at the rate of three and one-half per cent. per annum, payable half-yearly, are hereby confirmed and charged upon the sinking fund created for the repayment thereof, and, together with the interest thereon, further charged upon and shall be payable out of the Consolidated Revenue Fund of the Province.

Debentures 1 to 471, aggregating \$471,000, confirmed, etc.

4. The Lieutenant-Governor in Council may, for the purpose of carrying on the dyking-works in the Districts of Maple Ridge, Sumas, Coquitlam, Pitt Meadows, and Matsqui, for which Commissioners were heretofore appointed (hereafter referred to as "existing districts"), or in any other district or districts in which works may

Inspector of Dykes.

be undertaken subject to the provisions of this Act, appoint an officer, who, with his successors, shall be called the "Inspector of Dykes," and who may be appointed for one or more districts. Any officer appointed under regulations heretofore in force shall hold office under the provisions of this Act until his successor is appointed.

Power of Inspector.

5. The Inspector of Dykes shall, save as hereinafter provided, have and possess all the powers of Commissioners under the "Drainage, Dyking, and Irrigation Act," and upon the appointment of an Inspector for any district under this Act the powers of the Commissioners holding office under the said Act, or any Act superseded by the same, shall forthwith cease and determine, and their appointment or selection shall become null and void. The Inspector of Dykes heretofore appointed for the districts named in the preceding section, under the provisions of the hereinbefore-recited regulations, shall be deemed to have been appointed under this Act, and the powers of the Commissioners holding office under any Act heretofore in force respecting dyking within any of such districts shall be deemed, as and from the date of the appointment of the said Inspector, to have ceased and determined. The Commissioners shall forthwith, upon the appointment of the Inspector, hand over and give up possession to the Inspector of all books, papers, accounts, and documents relating to the works, and shall pay over to the Inspector all moneys in their hands or under their disposal as Commissioners, and do all other matters and things and afford the Inspector all such information as may be requisite for obtaining complete control of the works and acquiring a thorough understanding of the works theretofore carried on and the matters theretofore disposed of by or then pending before the Commissioners.

Inspectors heretofore appointed.

Commissioners to hand over papers, etc.

Application of "Drainage, Dyking, and Irrigation Act."

6. Sections 3, 4, 5, 6, 7, 8, 9, 10, subsections (d) and (e), and clauses (2) and (3) of section 13, clause (2) of section 18, sections 23, 53, 54, 55, 56, 57, and 58 of the "Drainage, Dyking, and Irrigation Act" shall not apply to the works to be carried on under this Act, nor to the Inspector appointed hereunder, but the remainder of the said Act shall, mutatis mutandis, apply, except that wherever Commissioners, or a majority of them, are referred to in the said Act the Inspector of Dykes alone shall be held to be substituted, and wherever in the said Act moneys are authorized to be collected and received by the Commissioners for their own use, or no reference is made to the appropriation of such moneys, the same shall be accounted for and paid into the Treasury.

Inspector, oath of.

7. Before entering upon the duties of his office the Inspector shall take an oath (which shall be filed in the Provincial Secretary's office) before a Justice of the Peace, and also give security to the satisfaction of the Lieutenant-Governor in Council to faithfully perform

the duties of his office. The Lieutenant-Governor in Council may likewise require any other officers or persons employed under the Commissioner to be sworn and to give adequate security for fulfilling their office.

8. The Inspector shall account for and pay all moneys levied, collected, and received by him by virtue of his office from time to time to the Finance Minister, who shall keep two accounts with the district in respect of such moneys, one to be called "The Interest Account," the moneys to the credit of which account shall be expended in payment of the interest on the Provincial debentures, and the other account to be designated "The Sinking Fund Account," the moneys to the credit of which account shall from time to time be invested at interest, upon such securities and in such amounts as the Lieutenant-Governor in Council shall from time to time determine.

"The Interest Account."

"The Sinking Fund Account."

9. The Lieutenant-Governor in Council may appoint the several officers mentioned in section 23 of the "Drainage, Dyking, and Irrigation Act," and may fix their salaries.

Officers, appointment of.

10. Sections 4, 7, and 9 of the "Dyking Debenture Loan Act, 1897," and the rules and regulations for carrying out the provisions of the "Dyking Debenture Act, 1897," dated the eighth September, 1897, are hereby repealed.

Repeal of sections of "Dyking Debenture Loan Act, 1897."

11. The several memoranda and assessment rolls heretofore filed by the Commissioners acting for the existing districts are hereby cancelled, but this shall not affect any payment heretofore made under the assessment thereby levied, and the rights of all parties between themselves shall be settled by the Inspector at the Courts of Revision hereinafter referred to.

Assessment roll heretofore filed by the Commissioners.

12. The debentures and deed of trust heretofore issued and executed by the Inspector under the provisions of section 9 of the regulations for carrying out the provisions of the "Dyking Debenture Act, 1897," and in pursuance of section 6 of the said Act, are hereby cancelled.

Debentures and trust deed heretofore issued.

13. The capital assessments against the lands in the existing districts hereinbefore recited and of the following amounts, viz., Maple Ridge, one hundred and eighty-five thousand three hundred and sixty-four dollars and eighteen cents; Sumas, nineteen thousand seven hundred and twenty-eight dollars and seventy-five cents; Coquitlam, one hundred and fifteen thousand seven hundred and forty-two dollars and ninety cents; Pitt Meadows, seventy-nine thousand nine hundred and thirty-eight dollars and ninety-nine cents; and Matsqui, one hundred and six thousand four hundred and

Existing capital assessments in Maple Ridge, Sumas, Coquitlam, Pitt Meadows, and Matsqui confirmed.

forty-five dollars and twenty-four cents, are hereby confirmed, and the repayment of the said amounts to the Government, together with interest thereon at the rate of three and one-half per cent. per annum, is hereby secured as a debt due to the Province of British Columbia, and the Inspector of Dykes shall possess and hold all the fines, rates, and assessments and shall hold and exercise all the rights, privileges, and charges in respect thereof in trust for the Province of British Columbia.

Sinking fund under s. 7 of "Dyking Debenture Act, 1897," confirmed.

14. The sinking fund of one and one-half per cent. per annum upon the capital assessment provided by Order in Council in pursuance of section 7 of the "Dyking Debenture Act, 1897," is hereby confirmed, and the same shall be a charge upon the assessed lands within the existing districts and payable in the same manner as the interest moneys.

Inspector of Dykes may amend assessment roll, etc.

15. The Inspector of Dykes may amend the memorandum and assessment roll for any existing district, filed as mentioned in the recital hereof, by omitting therefrom the annual charge for operation and maintenance, and all sums which may from time to time be required for operation, maintenance, and repairs, or to meet unforeseen expenditure, shall be levied and procured by the means indicated in section 40 of the "Drainage, Dyking, and Irrigation Act." The Minister of Finance may, when such sums are urgently required, advance the same from the consolidated revenue, to be repaid forthwith upon collection of the assessments by the Inspector.

Unforeseen expenditure, etc.

Advance of, by Minister.

Minister may advance payment of interest and sinking fund.

16. In the event of the rates levied against the lands of any district not having been paid into the Provincial Treasury in time to meet the payment of interest and sinking fund at the dates on which they fall due, the Minister of Finance is authorized to advance the same from the revenue of the Province, which sum so advanced shall, for the time being, be charged against the delinquent district.

Interest on above advances.

17. All advances under either of the two preceding sections shall bear interest at the rate of five per cent. per annum until paid, and the Inspector shall at any time, upon warrant directed to him under the hand of the Minister of Finance setting forth the amount due in respect of such advances, exercise all powers and remedies for the collection of the rates and assessments conferred upon him by law, and shall, in addition to any other remedy for the collection of the same, be entitled to recover the amount due, together with all expenses, by distress and sale of the goods of the persons liable to pay the same.

Court of Revision may determine distribution of charges.

18. At the Courts of Revision heretofore fixed for the existing districts, or at any adjournment thereof, or of any of them, all necessary alterations or amendments may, without further notice

be made in order to finally determine the distribution among the assessed owners of the districts of the several charges hereby confirmed.

19. There shall be paid as part of the capital charge for the execution of the works all liabilities of the Commissioners heretofore acting for the existing districts which the Inspector of Dykes may certify to have been properly incurred in the execution of the works. In case the Inspector declines for any reason to so certify, such refusal shall be final; but, in lieu of declining to certify, the Inspector may state a case as to whether such liability was properly incurred for the opinion of any Judge of the Supreme Court, who shall decide the same in a summary manner, and whose decision thereon shall be final and without appeal.

Liabilities of
Commissioners
heretofore acting,
how paid, etc.

20. And whereas the assessment rolls are based on an engineer's report, and are believed to be as accurate and scientific an estimate as can be obtained based on current data, but such estimate is open to be exceeded in carrying out the works, and it is advisable, if such excess is not large, to allow a supplementary assessment to be made to meet the cost: Therefore, be it enacted that the Inspector of Dykes may, by a memorandum under his hand filed in the proper Land Registry Office, provide for the raising by assessment of an amount not exceeding fifteen per cent. of the present assessment to meet expenses of works now contemplated and provided for, but the cost of which may have exceeded the estimate, or to meet the expenses of auxiliary works, the necessity of which is disclosed during or after the construction of the works now contemplated. If the cost of the works exceeds the aforesaid percentage of fifteen per cent. their construction shall not be undertaken, except with the sanction of the Legislature or of a majority in interest and number of the assessed owners within the district.

Assessment to
meet excess of
cost of estimate.

21. For the purpose of completing the works contemplated in the existing districts and in order to provide for unforeseen contingencies, the Lieutenant-Governor in Council may borrow, in addition to and as supplementing the loan authorized by section 5 of the "Dyking Debenture Loan Act, 1897," moneys to an amount not exceeding forty-five thousand dollars, by the sale of debentures or otherwise.

Lieut.-Governor's
power to borrow not
more than \$45,000
for unforeseen
contingencies.

Further Dyking-works.

22. The Lieutenant-Governor in Council may, at the request of a majority in interest and number of the proprietors of land to be benefited by the dyking-works outlined in the Schedule hereto, appoint an Inspector of Dykes for such district or districts as may be benefited by such works, or any of them, who, with his successors, shall thereafter for the district or districts for which he may be appointed have the same powers as are by this Act conferred upon

Appointment of
Inspector for lands
benefited by works
outlined in Schedule.

the Inspectors of Dykes for the existing districts, save that sections 8 and 10, and subsections (d), (e), and (2) of section 13, and section 14 of the "Drainage, Dyking, and Irrigation Act" shall apply to the Inspector of Dykes so appointed, and he shall possess all the powers therein conferred upon and, in the manner therein provided, perform all the duties therein imposed upon Commissioners selected or appointed.

Borrowing of not more than \$225,000 if work approved of by majority of proprietors.

23. If, after the plan, memorandum, and assessment roll for the district have been filed, the execution of the works is approved of by a majority in interest and number of the proprietors within the respective districts, the Lieutenant-Governor in Council may from time to time borrow (in addition to any other moneys which he is authorized to borrow) a sum sufficient, as shown by the said memorandum, to construct the works, not exceeding, however, the sum of two hundred and twenty-five thousand dollars, by the sale of debentures or otherwise: Provided that the cost of the works in each district shall not exceed the following respective amounts, namely:—

Chilliwhack	\$131,000
Agassiz	10,000
Hatzic	50,000
Surrey	27,000
New Westminster District generally	7,000

Application of provisions of Act to moneys so to be borrowed.

24. After the said moneys have been borrowed, their expenditure shall be governed by the provisions of this Act and the other provisions governing the expenditure of moneys borrowed for the execution of the works in the existing districts, and the same shall, without further or any deed or instrument, be a first charge upon the lands benefited and secured by the fines, rates, and assessments in the same manner as are the moneys expended, or to be expended, in the existing districts.

Damming of Hope, Camp, Halfmoon, and Greyell Sloughs may be undertaken forthwith.

25. And whereas the works in the Schedule hereto set out in the first clause under the heading "Chilliwhack District," and consisting of the damming of Hope, Camp, Halfmoon, and Greyell Sloughs with the intervening dykes, have been found to be of urgent importance, and their immediate execution necessary:

Therefore, be it enacted that the Lieutenant-Governor in Council is hereby authorized to undertake the said works forthwith and to borrow the necessary moneys therefor, which said moneys shall be charged against the said Chilliwhack District, and shall, in the event of the other works being undertaken, form portion of the whole expenditure and be repaid accordingly, and in the event of such other works not being undertaken, be levied by assessment upon the lands benefited, in manner provided by the "Drainage, Dyking, and Irrigation Act." The provisions of this Act shall apply to the said works.

26. The Lieutenant-Governor in Council may make rules and regulations for the prevention of trespass upon or damage to the dykes by persons or animals, and for the summary recovery with costs from any person of the amount necessary to repair any damage done by him, or by an animal belonging to him, and may provide penalties to enforce such regulations.

Rules and regulations as to trespass, damage, etc.

27. The Lieutenant-Governor in Council may from time to time make such orders or regulations as are deemed necessary to carry out the provisions of this Act according to their true intent, and to arrange the necessary details of bringing the works under the public control and ensure their speedy execution.

Orders and regulations for carrying out Act, etc.

SCHEDULE.

CHILLIWHACK DISTRICT.

1. The damming of Hope, Camp, Halfmoon, and Greyell Sloughs with the intervening dyke.

2. The running of a dyke from the end of the above dyke along the shore-line of the Fraser to the mouth of Hope Slough, damming such of the sloughs as are crossed on the line, and leaving out only such of the land as would necessitate too great expenditure to reclaim.

3. Running a dyke up Hope Slough from the mouth to a point of equal elevation to high-water mark of 1894 at the mouth of the slough.

4. Commencing at Chilliwack Mountain, on the south bank of Hope Slough, and running a dyke along its shore-line to the Fraser; thence along the shore-line of the Fraser to the Chilliwack; thence along the north and east side of the Chilliwack to a point of equal elevation to the high-water mark of 1894 at the mouth of the Chilliwack.

5. The insertion of a gate at the Semialt River.

6. The altering of the course of Elk Creek, bringing that stream into Hope Slough by a more convenient and straighter course.

7. Running a dyke from Chilliwack Mountain, along the south bank of Hope Slough, to a point of equal elevation with the high-water mark of 1894, and, if necessary, continuing the dyke up the new cut of Elk Creek.

8. The damming of the old course of Elk Creek at the departure of the new cut, and at the mouth of the old channel.

9. The turning of the Jackman waters into Elk Creek.

10. The turning, if possible, of the Bailey waters into the Chilliwack, and, if necessary, deepening a small cut in the bed of the Chilliwack to permit of the above.

11. All works incidental to any of the above.

AGASSIZ DISTRICT.

The proposed dyking-works are for the purpose of reclaiming lands within the following area:—

Commencing at a point where the eastern boundary-line of Lot 31, Group 1, New Westminster District, intersects the track of the Canadian Pacific Railway Company; thence north along the said eastern boundary-line and boundary-line produced, when it intersects with the northern boundary-line of the South Half of Section 34; thence west along the north side of the said South Half of Section 34 to the western boundary-line of Section 33; thence south along the

western boundary-line of Section 33 to the right-of-way of the Canadian Pacific Railway Company; thence easterly along the centre of the said right-of-way to the point of commencement; all the said lands being in Township 3, Range 29, west of sixth meridian.

HATZIC DISTRICT.

There has already been a dyke and set of gates in Hatzic, the dyke having consisted of the C.P.R. embankment. It is proposed to reconstruct the gates and make an effective embankment; also to purchase certain debentures.

SURREY DISTRICT.

There has been a dyke along the shore-line of Mud Bay and up the Nicomekl River, together with a set of gates in the Serpentine River. The above has been damaged and rendered completely useless. It is proposed to repair and rebuild, where necessary, the above, putting in new gates; also cleaning out the channel of the Serpentine.

Fraser River Bridge Aid (Amendment)20th May, 1898.

CHAPTER 25.

An Act respecting the Municipality of Grand Forks.

[19th April, 1898.]

Preamble.

WHEREAS, owing to certain doubts which had arisen as to the validity of the municipal elections held in Grand Forks on the thirteenth day of January, A.D. 1898, the Returning Officer at such election made no declaration of the result of the polls, and in the absence of such declaration the Mayor and Aldermen elected for Grand Forks at the first election held on the eighth day of May, A.D. 1897, have continued to act as the Municipal Council of Grand Forks up to the present time:

And whereas, owing to the non-registration of titles, it is doubtful if there are a sufficient number of persons duly qualified under the "Municipal Clauses Act" to fill the positions of Mayor and Council of Grand Forks:

And whereas it is expedient to remove any doubts as to the validity of any acts of the Council elected on the eighth day of May, A.D. 1897, up to the date of the coming into force of this Act, caused by personal disqualification of any of the members of the Council, and to provide for a new election at Grand Forks under provisions suitable to the circumstances of the said city:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Grand Forks City Act, 1898." Short title.

2. Notwithstanding any defect in the manner of election, or in the qualification of any member of the Municipal Council of the City of Grand Forks elected on the eighth day of May, 1897, no by-law, contract, or other proceeding passed, entered into, or taken by the said Council prior to the passage of this Act shall, if otherwise within the jurisdiction and powers of such Council, be invalidated or in any manner attacked by reason only of any such defect.

By-laws, etc.,
not invalidated
by election of
8th May, 1897.

3. The election of a Mayor and Aldermen for the said city held on the thirteenth day of January, A.D. 1898, is hereby declared to have been no election.

Election of
January, 1898.

4. There shall be a special election held as soon as possible after the coming into effect of this Act, upon a date to be fixed by Proclamation of the Lieutenant-Governor, of a Mayor and Aldermen for such city, who shall hold office until the next annual election in the month of January, 1899, and until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified.

Special election
to be held.

5. Notwithstanding the provisions of section 14 of the "Municipal Clauses Act," the persons qualified to be nominated for and elected Mayor of such city at such special election shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

R.S.B.C., c. 144.
Mayor,
qualification of.

(a.) Appear on the last revised municipal assessment roll of such city as the owners of land or real property in the city of the assessed value of one thousand dollars or more over and above any registered encumbrance or charge, and who are otherwise qualified under this Act as municipal voters at such election; or

(b.) Who have been for three months next preceding the day of nomination the sole tenants in possession of land or real property in the city of the assessed value of two thousand dollars under lease in writing for not less than one year, and are otherwise qualified under this Act to vote at such election.

6. Notwithstanding the provisions of said section 14 of the said "Municipal Clauses Act," the persons qualified to be nominated for and elected as Aldermen of such city at such special election shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

Aldermen,
qualification of.

(a.) Appear on the last revised municipal assessment roll of the city as the owners of land or real property in the city of

the assessed value of five hundred dollars over and above any registered encumbrances, and are otherwise qualified under this Act to vote at such election; or

- (b.) Who have been for three months next preceding the day of nomination the sole tenants in possession of land or real property in the city of the value of one thousand dollars under lease in writing for not less than one year, and are otherwise qualified under this Act to vote at such election.

Closing and revision
of voters' list.

7. The voters' list of the city shall be closed two weeks from the passage of this Act, and corrected and revised, and certified as correct by the Mayor, within three weeks from the passage of this Act.

Returning Officer.

8. The Returning Officer for such election shall be the City Clerk of such city for the time being.

Application of
"Municipal Elec-
tions Act" and
"Municipal Clauses
Act." R.S.B.C.,
cc. 68 and 144.

9. No provision of the "Municipal Elections Act" or of the "Municipal Clauses Act" which shall be found inconsistent with the provisions of this Act shall apply to such election, nor shall the election of a Mayor or Alderman under this Act be declared invalid by reason of a non-compliance with the rules contained in this Act or the "Municipal Elections Act," or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the intent of this Act, and that such non-compliance or mistake or irregularity did not materially affect the result of such election.

CHAPTER 26.

1897, c. 16.

An Act to amend the "Speedy Incorporation of Towns Act, 1897."

[20th May, 1898.]

Preamble.

WHEREAS provision is made by subsection (153) of section 50 of the "Municipal Clauses Act" for the passage of a by-law authorizing the borrowing of a sum of money not exceeding an amount equal to the total amount of taxes upon the land or real property, as shown by the revised assessment roll of the municipality for the preceding year, under certain conditions therein set out:

And whereas the "Speedy Incorporation of Towns Act, 1897," did not require the preparation and revision of an assessment roll for such year, in view of the fact that the lands had theretofore been

assessed by the Provincial Government; and it is, therefore, in consequence of the absence of a revised assessment roll for the year 1897, or in consequence of no rate having been struck thereupon, if the same were prepared, impossible for cities incorporated under the said Act to exercise the powers conferred by the said subsection (153) of section 50 of the "Municipal Clauses Act"; and it is advisable to confer the necessary authority to exercise the said powers, and also to exercise the general borrowing-powers with the consent of the property-holders:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Speedy Incorporation of Towns Act Amendment Act, 1898."

2. The Municipal Councils of the Cities of Rossland, Nelson, Grand Forks, and Sandon may during the year 1898 make and pass a by-law for the purposes set out in subsection (153) of section 50 of the "Municipal Clauses Act," and subject to the limitations and conditions in said subsection and in clauses (a), (b), (c), (d), and (e) thereof contained, save that the amount to be borrowed shall not exceed an amount equal to the total amount of taxes upon land or real property within the municipality as shown by the last revised Provincial assessment roll, or in the alternative an amount equal to fifteen mills on the dollar of the value of land or real property within the municipality according to the last revised municipal assessment roll, whichever amount may be the larger.

Borrowing-powers for 1898 of Rossland, Grand Forks, and Sandon.

3. Wherever in the "Municipal Clauses Act" it is provided that reference is to be had to the last revised municipal assessment roll for any purpose relating to the borrowing of money, and there is no such roll in existence in the municipality, the words "last revised assessment roll," or "last revised assessment roll of the municipality," or any words to such effect, shall be deemed to refer to so much of the last revised Provincial assessment roll as relates to land within the limits of any of the cities incorporated under the "Speedy Incorporation of Towns Act, 1897."

Meaning of "last revised assessment roll."

Quesnelle Lake Dam (Amendment)20th May, 1898.

CHAPTER 39.

An Act to accelerate the Incorporation of the Town of Revelstoke.

[20th May, 1898.]

Preamble.

WHEREAS the residents of the Town of Revelstoke, in the District of Kootenay, are desirous of securing immediate incorporation, but are prevented therefrom by the provisions of the "Municipalities Incorporation Act," which necessitate, amongst other requirements, notices and petitions:

And whereas the exigencies of the case justify a departure from the general statutory conditions:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Revelstoke Incorporation Act, 1898."

Incorporation of the City of Revelstoke.

2. It shall be lawful for the Lieutenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of the "Municipalities Incorporation Act," by Letters Patent under the Public Seal to incorporate under the said Act into a city the tract of land set out in the Schedule hereto; and such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of the said "Municipalities Incorporation Act," save and except as provided in the following sections of this Act, which shall apply to such municipality.

What letters patent to specify.

3. The letters patent incorporating such city corporation shall, in addition to specifying and providing for all matters referred to in section 4 of the "Municipalities Incorporation Act," specify and provide for the matters referred to in sections 4 and 5 of this Act.

Qualification for Mayor.

4. The persons qualified to be nominated for and elected Mayor of such city at the first election shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

(a.) Have been for the twelve months next preceding the day of nomination the assessed owners of land or real property in the city of the value of one thousand dollars over and above any registered encumbrance, and are otherwise qualified to vote at such election; or

(b.) Who have been for such twelve months the sole tenants in possession of land or real property in the city of the value of two thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election.

5. The persons qualified to be nominated for and elected as Aldermen of such city at the first election shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

Qualification
for Aldermen.

(a.) Have been for the twelve months next preceding the day of nomination the assessed owners of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and are otherwise qualified to vote at such election; or

(b.) Who have been for such twelve months the sole tenants in possession of land or real property in the city of the value of one thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election.

6. Until the said municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city.

Mode of election
until city divided
into wards.

7. The Mayor and Aldermen elected at such first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified.

First Mayor and
Aldermen to hold
office till successors
elected.

8. The persons qualified to vote for Mayor and Aldermen at such first election shall be all such persons as are ratepayers and male British subjects of the full age of twenty-one years and have resided within the limits of such city for the six months next preceding the date of such election, and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election.

Voters at first
election.

9. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons, qualified under section 8 of this Act, who make application to him as aforesaid to have their names placed on such list, and such list shall be the list of the electors for such elections.

Voters' lists.

10. Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorized to administer oaths, setting forth his name, address, occupation, and qualifications under this Act.

Declaration
of voter.

Sewage.

11. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the municipality in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond the limits of the said municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid:

Waterworks.

(a.) It shall be lawful for the said city, and it is hereby empowered, at any time hereafter to take and divert from any stream or streams which may be found most suitable, and to record, appropriate, and use, sufficient unappropriated water for all purposes of the said municipality authorized by law, and from time to time to construct all works that may be necessary for efficiently using such water, and to erect dams, raceways, and all works which may be necessary for the maintenance of such water privileges, and for the purposes within the competence of the municipality to exercise all the power mentioned in the "Water Clauses Consolidation Act, 1897." And it shall also be lawful for the said city, and it is hereby empowered, to construct, equip, operate, and maintain a system of electric lighting for domestic and other purposes within and about the said municipality.

Board of Licence
Commissioners,
special meeting of.

12. A special meeting of the Board of Licence Commissioners for the said city may, if desired, be held, at a time to be fixed by the Mayor, not less than one month or more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 180 of the "Municipal Clauses Act" may be had and exercised.

Road-tax.

13. It shall be lawful for the Council to levy and collect a road-tax for the whole of the year 1898 in the same manner and to the same extent as if the corporation had existed from the first day of January, 1898.

Payment to Municipality of rateable portion of real-estate tax for 1898.

14. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality a rateable part of the real-estate tax collected upon property within the city for the year 1898, proportioned to the fraction of the year during which the city is governed by the charter issued under authority of this Act.

Licences.

15. All licences heretofore issued shall be valid until the expiration of the period named in the same, and upon expiry the reissue shall be regulated by the statutory provisions governing the city.

Costs of
incorporation.

16. The Council may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about procuring the incorporation of the said city as they may deem proper.

17. All the provisions of the "Municipal Clauses Act," the "Municipal Elections Act," and "Municipalities Incorporation Act" shall apply to the said municipality, except when the provisions of such Acts are repugnant to the provisions of this Act.

Application of
"Municipal Clauses
Act" and "Municipalities Incorporation Act."

18. The Council may, during its first term, but not afterwards, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts, on the rateable lands or improvements, either or both, or the rateable real property of the municipality, for any works of immediate necessity which are within the jurisdiction of the Council; such debts, however, not to exceed in the whole the sum of twenty-five thousand dollars.

Borrowing-powers.

SCHEDULE.

THE CITY OF REVELSTOKE.

All that piece or parcel of land situate, lying, and being in Kootenay District, in the Province of British Columbia, bounded as follows: Commencing at a point where the southerly limit of the Canadian Pacific Railway right-of-way intersects the Columbia River; thence following the left bank of the Columbia River down-stream to the point where the easterly limit of Ford Street intersects the Columbia River; thence northerly along the east side of Ford Street to the centre of Third Street; thence easterly along the centre line of Third Street to its intersection with the west line of Rokeby Avenue; thence southerly along the west line of Rokeby Avenue to its intersection with the northerly limit of (4th) Fourth Street; and thence along the northerly limit of Fourth Street to the easterly limit of Boyle Avenue; thence southerly along the easterly limit of Boyle Avenue to its intersection with Sixth Street; thence easterly along the northerly limit of Sixth Street to its intersection with the westerly limit of Connaught Avenue; thence southerly along the westerly side of Connaught Avenue to its intersection with the northerly limit of Eighth Street; thence easterly along the northerly limit of Eighth Street to the westerly limit of the right-of-way of the Arrowhead branch of the Canadian Pacific Railway; thence the same course for seven hundred feet to the easterly limit of the proposed townsite; thence at right angles with Eighth Street to a point eight hundred feet north of the northerly limit of the Canadian Pacific Railway main line right-of-way; thence in a westerly direction, and parallel to the Canadian Pacific Railway right-of-way, to the bank of the Columbia River; thence down-stream to the point of beginning; and containing five hundred and ninety-five acres, more or less.

Vernon and Nelson Telephone Company (Amendment)	20th May, 1898.
Alice Arm Railway	20th May, 1898.
Arrowhead and Kootenay Railway Company	20th May, 1898.
British Columbia Great Gold Gravels Dredge-mining Corporation	20th May, 1898.

Canadian Pacific Navigation Company	20th May, 1898.
Canadian Yukon Railway Company	20th May, 1898.
Cowichan Lumber Company	20th May, 1898.
Downie Creek Railway Company	20th May, 1898.
East Kootenay Valley Railway Company	20th May, 1898.
Kitimaat Railway Company	20th May, 1898.
Kootenay and North-west Railway Company	20th May, 1898.
Mountain Tramway and Electric Company	20th May, 1898.
Nanaimo Electric Light, Power, and Heating Com- pany	20th May, 1898.
North Star and Arrow Lake Railway Company....	20th May, 1898.
Portland and Stickine Railway Company	20th May, 1898.
Red Mountain Tunnel Company	20th May, 1898.
Revelstoke and Cassiar Railway Company	20th May, 1898.
Skeena River and Eastern Railway Company	20th May, 1898.
Skeena River Railway, Colonization, and Exploration Company	20th May, 1898.
South-east Kootenay Railway Company	20th May, 1898.

A.D. 1899.

Canadian Pacific Navigation Company (Amend- ment)	27th February, 1899.
Cariboo-Omineca Chartered Company (Amend- ment)	27th February, 1899.

CHAPTER 14.

An Act to amend the "Columbia and Western Railway Subsidy Act, 1896."

1896, c. 8.

[27th February, 1899.]

HER MAJESTY, by and with the advice and consent of the Legis-
lative Assembly of the Province of British Columbia, enacts as
follows:—

Amends s. 4.
Time for defining
and projecting land
grant extended
one year.

Proviso.

1. The time limited by section 4 of chapter 8 of the Statutes of 1896 for defining and projecting the lands to be granted to the Columbia and Western Railway Company, in pursuance of said section, is hereby extended for one year from the coming into force of this Act: Provided, however, that the extension of time hereby given shall not be held to affect in any way any question which may arise with respect to said land subsidy.

CHAPTER 23.

An Act to amend the “Public Dyking Act, 1898.” 1898, c. 17.

[27th February, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Public Dyking Act (1898) Short title. Amendment Act, 1899.”

2. In connection with any dyking-works authorized by chapter 17 of the Statutes of 1898, each parcel of land assessed and made liable for the expenditure for such dyking-works shall be liable for the whole expenditure in connection with the particular scheme for which it is assessed and made liable. In case, for any reason, any rate of assessment imposed upon any parcel of land for such work is not collected, the amount thereof shall be assessed upon the remainder of the land affected by such scheme. Such additional assessment may be made for any year succeeding the year for which such parcel of land is in default.

Land assessed liable for whole expenditure in connection with scheme for which it is assessed.

Assessment for arrears.

3. Section 23 of said chapter 17 is hereby amended by increasing the amount for Chilliwack from one hundred and thirty-one thousand dollars to one hundred and fifty-five thousand dollars.

Amends s. 23. Cost of works at Chilliwack increased to \$155,000.

CHAPTER 32.

An Act to amend the “Speedy Incorporation of Towns Act, 1897.” 1897, c. 16.

[27th February, 1899.]

WHEREAS provision is made by the “Speedy Incorporation of Towns Act, 1897,” and the “Municipal Clauses Act” for the equipment, construction, operation, and maintenance of a system of waterworks and electric lighting for domestic and other purposes by incorporated cities:

Preamble.

And whereas Municipal Councils may only borrow, in the aggregate, twenty per cent. of the assessed value of the land and improvements or the real property of the municipality, according to the last revised assessment roll:

And whereas the City of Rossland is so situated that it would cost in the neighbourhood of one hundred and fifty thousand dollars to construct such a system or systems as aforesaid:

And whereas the total value of the land and improvements or the real property of the Municipality of the City of Rossland, according to the last revised assessment roll, is one million four hundred and forty-four thousand eight hundred and twenty-two dollars:

And whereas the total debt of the Corporation of the City of Rossland is one hundred and seven thousand dollars:

And whereas the total debt aforesaid is seven and five-tenths per cent. of the said total value of the land and improvements or the real property of the City of Rossland:

And whereas many improvements are necessary and expedient in the City of Rossland, and it will become necessary to borrow money for such improvements:

And whereas it is deemed advisable to confer the necessary power upon the Corporation of the City of Rossland to borrow the sum of one hundred and fifty thousand dollars in excess of the ordinary borrowing-powers of municipalities, as limited by the "Municipal Clauses Act," to buy, construct, equip, operate, and maintain a system of waterworks and electric lighting for domestic and other purposes:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Speedy Incorporation of Towns Act Amendment Act, 1899."

Rossland empowered to borrow \$150,000 for waterworks purposes.

2. The Municipal Council of the Corporation of the City of Rossland may, under the formalities required by law, pass a by-law or by-laws for contracting a debt of one hundred and fifty thousand dollars by borrowing money or otherwise, and for levying rates for payment of such debt on the rateable land or improvements, either or both, on the rateable real property of the municipality, for the purpose of the purchase or construction and equipment, operation and maintenance of a system of waterworks and electric lighting for domestic and other purposes, or either or both, over and above the ordinary borrowing-powers as conferred by the "Municipal Clauses Act" or any amendment thereof, and over and above the limit of twenty per cent. of the assessed value of the land and improvements or the real property of the City of Rossland; but no such by-law shall be valid which is not in accordance with the other restrictions and provisions of section 68 of the "Municipal Clauses Act," or of any of the other sections of the said "Municipal Clauses Act" or the amendments thereof relating to money or other by-laws: Provided also that a sinking fund of at least one per cent. per annum must be provided for in such by-law.

CHAPTER 56.

An Act for the Relief of the Municipal Corporation of the City of New Westminster.

[17th February, 1899.]

WHEREAS the Municipal Corporation of the City of New Westminster (hereinafter called "the Corporation") under the powers conferred on it by the "New Westminster Act, 1888," and amendments thereto, has from time to time duly passed by-laws authorizing the borrowing of divers sums of money, and has from time to time borrowed money upon the security of debentures issued in pursuance of said by-laws, the particulars of which debentures are set out in the first column of the Schedule A to this Act:

Preamble.

And whereas the said debentures, according to the provisions of said by-laws, are payable at the various dates and times set out in the second column of the said Schedule A to this Act:

And whereas in said by-laws provision was made for the repayment of the said debentures as they become due, by the levying of an annual rate for sinking fund, to be invested as provided in the said Act and amendments, and which said sinking fund now amounts to upwards of the sum of seventy-two thousand dollars:

And whereas the assessable value of real estate in the said City of New Westminster for the year 1898 amounted to two million five hundred and ten thousand nine hundred and ninety dollars, and the assessable value of improvements to nine hundred and seventy-six thousand nine hundred and sixty-five dollars:

And whereas by reason of the destruction caused by fire on the tenth and eleventh days of September, 1898, the assessable value of the said real estate in the said city has been reduced temporarily by upwards of the sum of three hundred and seventy thousand dollars, and the assessable value of improvements by upwards of the sum of four hundred and fifteen thousand dollars:

And whereas the yearly revenue which the said Corporation heretofore derived from electric-light rates, water rates, and other sources has been reduced by about the sum of twenty-two thousand dollars, and the necessary yearly expenditure on the said works has been temporarily increased by upwards of the sum of ten thousand dollars:

And whereas, by reason of the circumstances hereinbefore referred to, the capacity of the Corporation to meet its obligations in respect of the said debentures as they mature has been, for the time being, greatly impaired:

And whereas a majority in value of the holders of the said debentures (being all of said debenture-holders whose names could be

ascertained) have agreed with the Corporation upon a plan for the payment of interest upon and the redemption of the said debentures:

And whereas it is expedient to provide for the relief of the said Corporation:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Appointment of
Debenture Com-
missioners.

Term of office.

Duties.

Remuneration.

Commissioner
appointed by
Corporation may
be member of
Council.

Extension of time
for payment of
debentures.

Interest debentures.

1. For the purposes hereinafter stated, there shall be appointed, as soon as may be after the passage of this Act, one person by the Municipal Council of the Corporation, and two persons to be selected by a majority of the holders of the debentures set out in Schedule A to this Act, one of whom shall be approved of by the Corporation, which three persons shall be called "Debenture Commissioners." The said Debenture Commissioners shall hold office until the payment of all the debentures referred to in this Act, and shall perform the duties and shall possess and exercise the powers hereinafter set out. Any two of the said Debenture Commissioners shall at all times constitute a quorum for the transaction of business. If any person so appointed shall cease to be a Commissioner, a new appointment shall be made (in like manner as in the case of his appointment) of some person to fill the vacancy thus happening.

2. The Corporation shall pay the said Commissioners, as a remuneration for their services, an annual sum not exceeding the sum of two hundred and fifty dollars to each Commissioner. The Commissioner appointed by the Corporation may be a member of the Municipal Council, and may sit and vote in said Council while in receipt of said remuneration, notwithstanding anything to the contrary contained in the "New Westminster Act, 1888," or in the "Municipal Clauses Act."

3. The time for the payment of the respective sets of debentures set out in the Schedule A to this Act is hereby extended to such a period as shall be sufficient to enable the said Corporation to provide for the payment of the same by means of a sinking fund to be raised in the manner hereinafter set out.

4. It shall be lawful for the Corporation to issue debentures, to be called "interest debentures," for a sum which in the aggregate shall not exceed three-fifths of the total amount of interest which will accrue upon the debentures set out in the said Schedule A to this Act, during the years 1899, 1900, 1901, 1902, and 1903; the said interest debentures shall be issued for such amounts respectively as the Council shall by resolution determine, and shall be numbered consecutively, and shall bear interest at the rate of five per cent. per annum, and shall be repayable by lot in the manner hereinafter

set out: Provided, however, that none of the said debentures shall be expressed to be payable at any time prior to the thirty-first day of December, 1909.

5. It shall also be lawful for the Corporation to issue debentures, Temporary debentures. to be called "temporary debentures," for an amount not exceeding in the whole the sum of two hundred thousand dollars; the said debentures may be issued for such amounts respectively as the Council shall by resolution determine, and shall be numbered consecutively, and shall bear interest at a rate not exceeding five per cent. per annum, and shall be repayable by lot in the manner hereinafter set out: Provided that none of the said debentures shall be expressed to be payable at any time prior to the thirty-first day of December, 1909: Provided that the amount of interest debentures and temporary debentures issued under the authority of this and the next preceding section of this Act shall not at any time in the aggregate exceed the sum of two hundred thousand dollars.

6. During the year 1901, and in every year thereafter, until all of the interest debentures and temporary debentures which shall be issued under the provisions of the preceding sections shall be paid or cancelled, the Corporation shall, in addition to all other rates, raise a sum which shall be sufficient to provide— Rates to provide for payment of interest and temporary debentures.

(a.) The amount of interest payable in each year on such of the interest debentures and temporary debentures as may be then outstanding:

(b.) Such further sum as the Corporation shall deem it expedient to raise in each such year for the purpose of a sinking fund, to be applied in the redemption of the said interest debentures and temporary debentures.

7. The moneys raised for the purposes referred to in subsection (b) of the last preceding section, prior to the thirty-first day of December, 1909, shall be paid into a chartered bank at the City of New Westminster to the credit of the Debenture Commissioners, and until the said moneys are required for the purposes of the said debentures, according to the terms of this Act, the same may be deposited by the Debenture Commissioners at interest. Sinking fund account.

8. Notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Clauses Act," or in any by-law of the Corporation, all moneys now invested in the name of or standing to the credit of or due or owing to the trustees of the sinking fund account of the City of New Westminster shall be applied to the payment of the interest which shall from time to time accrue upon the debentures described in Schedule A to this Act; and the trustees of the said sinking fund Existing sinking fund to be transferred to Debenture Commissioners.

Application of
said fund.

account are hereby authorized and required to pay, assign, and make over the said moneys and securities for money to the said Debenture Commissioners forthwith upon their appointment, who shall, so soon thereafter as shall be necessary and as reasonably may, in their discretion, be done, realize upon the said securities. All the said moneys, and the proceeds of the said securities for money, shall be deposited by the Commissioners in a chartered bank at the City of New Westminster, and shall be applied in or towards payment of interest upon the debentures mentioned in Schedule A to this Act, in such manner as may be directed by the Corporation: Provided, however, that the Debenture Commissioners shall, if the Corporation shall so direct, instead of converting any of the said securities into cash, at any time, or from time to time, mortgage, pledge, sell, assign, or create a charge upon any of the said securities, for such price or sum, at such rate or rates of interest, and upon such terms as the Corporation may approve, and apply the proceeds in the same manner as if such security or securities had been actually converted.

Payment of interest
upon debentures set
out in Schedule A.

9. It shall be lawful for the Corporation to provide for the payment of the interest which shall accrue during the years 1899, 1900, 1901, 1902, and 1903 upon the debentures set out in said Schedule A to this Act, and the holders of such debentures shall be bound to accept payment of interest due to them during the said period in manner following, that is to say:—

- (a.) The Corporation shall pay two-fifths of such interest moneys in cash:
- (b.) As to the remaining three-fifths of said interest moneys, the Corporation may deliver, and the debenture-holders shall accept, interest debentures, which shall be of the value of the said proportion of interest moneys accruing due as aforesaid.

Application of pro-
ceeds of temporary
debentures towards
payment of interest.

10. It shall also be lawful for the Corporation during the said years, in their discretion, to apply the proceeds of the sale of the said temporary debentures, or any part thereof, to the payment of that portion of the interest moneys referred to in subsection (b) of the last preceding section of this Act, instead of delivering interest debentures therefor.

Redemption of
interest and tem-
porary debentures.

11. On and after the thirty-first day of December, 1909, the Corporation shall proceed to redeem the said interest debentures and temporary debentures (if any) by lot in the manner hereinafter set out: Provided that the Corporation shall not in any one year redeem more than ten per cent. of the interest debentures, nor more than ten per cent. of the temporary debentures.

Determination of
debentures to be
redeemed.

12. On or before the thirtieth day of June, 1909, the Mayor and Clerk of the Corporation, in the presence of one or more of the

Debenture Commissioners, shall determine by lot the numbers of the interest debentures and temporary debentures (if any) to be redeemed by the Corporation in the said year, and within six months after such numbers shall have been so determined the amount payable to redeem the same shall be paid into some chartered bank to the credit of an account to be opened in respect thereof, and thereupon the debentures so selected shall be deemed to have been paid; and within thirty days after the numbers of the debentures to be redeemed have been determined the Clerk shall notify the holders of such debentures of the fact of such selection and payment, by prepaid registered letter addressed to the last-known post-office address of such holder or holders. If the name or address of the holders of any debenture shall not be known at any such time, the notice intended for such holder shall be given, within the said period, to the person through whom any interest coupon in respect of any such debenture was then last presented for payment.

13. In each year after the thirty-first day of December, 1909, the Corporation shall proceed to select by lot and pay the interest debentures and temporary debentures (if any) in the manner provided in the last section, until all of the said debentures are paid off or cancelled.

Payment of interest and temporary debentures.

14. Notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, or in any by-law of the Corporation, it shall not be necessary for the Corporation to levy any rate for the purpose of providing a sinking fund for the redemption of the debentures set out in Schedule A to this Act until after the thirty-first day of December, 1909.

Rate to redeem debentures in Schedule A not to be levied until after 31st December, 1909.

15. In the year 1910, and in each year thereafter until the debentures described in Schedule A to this Act are fully paid or cancelled, the Corporation shall annually raise a sum of money which shall not in any year be less than the amount which, but for the passage of this Act, the Corporation would have been required to raise for the purpose of the sinking fund in respect of said debentures, under the conditions set out in the by-laws of the Corporation passed in relation thereto, and under the provisions of the "New Westminster Act, 1888," and the "Municipal Clauses Act" governing the raising, accumulation, and disposition of said sinking fund.

Rates after 1909 to redeem debentures in Schedule A.

16. The debentures described in Schedule A to this Act shall, after the thirty-first day of December, 1909, notwithstanding anything contained on the face of the said debentures, or any of them, be repayable by lot in the manner following, that is to say:—

Repayment by lot after 1909 of debentures in Schedule A.

On or before the thirtieth day of June in the year 1910, and on or before the thirtieth day of June in every year thereafter, until

the said debentures are all paid or cancelled, the Mayor and Clerk of the Corporation, in the presence of one or more of the Debenture Commissioners, shall determine by lot the numbers of the said debentures mentioned in Schedule A to this Act to be redeemed by the Corporation in each such year, and within six months after such numbers shall have been so determined the amount payable to redeem the same shall be paid into some chartered bank to the credit of an account to be opened in respect thereof, and thereupon the debentures so selected shall be deemed to have been paid; and within thirty days after the numbers of the debentures to be redeemed have been determined the Clerk shall notify the holders of such debentures of the fact of such selection and payment, by means of a prepaid registered letter addressed to the last-known post-office address of such holder or holders. If the name or address of the holder of any such debenture shall not be known at any such time, the notice intended for such holder shall be given within the like period to the person through whom any interest coupon in respect of any such debenture was then last presented for payment.

Substitution of
debentures for
those set out in
Schedule A.

17. It shall be lawful for the Corporation at any time to substitute for the said debentures described in Schedule A to this Act other debentures for the like amount and drawing a like amount of interest, but which debentures shall upon their face be expressed to be payable in accordance with the provisions of this Act; and upon the issuance of the said substituted debentures the holder of the debentures described in Schedule A to this Act shall exchange the same for the said substituted debentures, and the Corporation, after the issuance of said substituted debentures, shall not be bound to pay any interest coupons except such as shall have been detached from the said substituted debentures.

Rate after 1903 to
provide for payment
of interest upon
debentures in
Schedule A.

18. In the year 1904, and in each year thereafter, until the said debentures described in Schedule A to this Act shall be fully paid and satisfied, the Corporation, in addition to all other rates, shall raise an annual sum which shall be sufficient to provide for the interest accruing in each such year upon such of the said debentures as shall for the time being remain outstanding and uncanceled, and shall apply the moneys so raised to the payment of such interest accordingly.

Corporation
empowered to
borrow money upon
1898 unpaid taxes.

19. Notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Clauses Act," or in any by-law of the Corporation, it shall be lawful for the Corporation to borrow or raise money for any of the purposes of the Corporation upon the security of the unpaid taxes for the year 1898 and previous years; and in order to provide for the repayment of the moneys so to be borrowed or raised, the Corporation may sell,

assign, mortgage, pledge, or create a charge upon such taxes in favour of such persons or corporations, and for such rate of interest, and upon such terms of redemption or otherwise as the Corporation shall by by-law determine. The Corporation shall also have the like powers in respect of arrears of taxes payable in the present year or in any future year or years.

20. Notwithstanding anything contained in the said "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Clauses Act," or in any by-law of the Corporation, the Corporation shall allow a rebate of sixteen and two-thirds per cent., as well as the interest which would otherwise be chargeable on said taxes, to all persons who shall pay the taxes levied in the year 1898 and previous years on or before the first day of July, 1899.

Rebate upon taxes levied in 1898 and previous years.

21. Notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Clauses Act," or in any by-law of the Corporation, the time for completing the assessment of the Corporation for the year 1899 is hereby extended to the thirtieth day of April, 1899.

Time for completing 1899 assessment extended.

22. All moneys which have been contributed for the relief of the Corporation, or of the inhabitants or any of the inhabitants thereof, because of the said fire, and which are now unexpended, and all moneys which may hereafter be contributed, are hereby vested in the Corporation, and it shall be lawful to apply the said moneys to such public works of the Corporation or to such charitable purposes as shall be determined by the Council.

Application of relief money.

23. This Act may be cited as the "New Westminster Relief Act, Short title. 1899."

SCHEDULE A.

Title of By-law.	Amount of Loan.	When payable.
1. Street and Park Improvement Debenture By-law, 1889	\$ 85,000	June 17th, A.D. 1939
2. Railway Bonus By-law, 1889	155,000	Oct. 25th, A.D. 1939
3. Moody Square and Albert Crescent Loan By-law, 1889	12,000	Dec. 27th, A.D. 1939
4. Queen's Park Loan By-law, 1889	18,000	Dec. 27th, A.D. 1939
5. Waterworks Debenture By-law, 1889 ..	200,000	June 17th, A.D. 1939
6. Waterworks Debenture By-law, No. 2 .	180,000	July 1st, A.D. 1941
7. Waterworks Debenture By-law, No. 3, 1892	75,000	Nov. 1st, A.D. 1942
8. Fire Loan By-law, 1891	12,000	July 1st, A.D. 1941
9. Street Improvement Debenture By-law,	25,000	July 1st, A.D. 1941
10. Loan By-law, 1891	23,000	Jan. 1st, A.D. 1942
11. Steam Ferry By-law, 1891	7,000	July 1st, A.D. 1941
12. Loan By-law, 1893	25,000	July 1st, A.D. 1943
13. Electric Light Loan By-law, 1891	61,000	July 1st, A.D. 1941
14. Electric Light Loan By-law, No. 2	25,000	Dec. 1st, A.D. 1941
15. Electric Light Loan By-law, 1893	30,000	July 1st, A.D. 1943
16. Street Improvement Debenture By-law, 1894	20,000	Sept. 1st, A.D. 1944
	<hr/> \$953,000	

CHAPTER 61.

An Act to repeal certain Statutes and Portions of Statutes granting aid to Railways.

[27th February, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Repeals portion of
c. 40 of 1890.

1. Chapter 40 of the Statutes of 1890, being the "Railway Aid Act, 1890," is hereby repealed, except so far as the Crow's Nest and Kootenay Lake Railway Company is affected thereby.

Repeals portions of
c. 38 of 1897.
Granting subsidies
to Yukon Mining.

2. The portions of chapter 38 of the Statutes of 1897, being the "Northern Railways Aid Act, 1897," which made provision for land-

grant subsidies to the Yukon Mining, Trading, and Transportation Company (Foreign), and the Stickine and Teslin Railway, Navigation, and Colonization Company, are hereby repealed.

Trading, and Transportation Company, and Stickine and Teslin Railway, Navigation, and Colonization Company.

3. Chapter 24 of the Statutes of 1897, being the "British Columbia Public Works Loan Act, 1897," and chapter 30 of the Statutes of 1898, being the "British Columbia Public Works Loan Act (1897) Amendment Act, 1898," are hereby repealed, except so far as the same provide for and affect a subsidy of not more than four thousand dollars per mile for a standard-gauge railway from Robson to the Boundary Creek District.

Repeals c. 24 of 1897 and c. 30 of 1898, except portion granting subsidy of \$4,000 per mile to railway from Robson to Boundary Creek District.

4. Notwithstanding the last preceding section, all the provisions of said chapters 24 of 1897 and 30 of 1898 shall remain in force with regard to said subsidy of not more than four thousand dollars per mile for a standard-gauge railway from Robson to the Boundary Creek District.

Provisions granting \$4,000 per mile subsidy to railway from Robson to Boundary Creek District to remain in force.

5. The repeal of said chapters 24 and 30 shall not in any way affect any remedy which William Mackenzie and Donald D. Mann would have been entitled to enforce for breach of contract against the Government in connection with certain agreements made between them and the Government.

Saves rights of Mackenzie and Mann.

CHAPTER 64.

An Act to amend the "Revelstoke Incorporation Act, 1898, c. 39. 1898."

[27th February, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Revelstoke Incorporation Act Short title. (1898) Amendment Act, 1899."

2. Section 4 of chapter 39 of the Statutes of 1898 is hereby amended by adding thereto the following subsection:—

"(c.) Or who have been for the twelve months next preceding the day of nomination the members of a partnership firm which for such twelve months has been the assessed owner

Amends s. 4. Qualification for Mayor.

of land or real property in the city of the value of two thousand dollars over and above any registered encumbrances, and whose individual interest in said partnership land is of not less value than one thousand dollars, and are otherwise qualified to vote at such election."

Amends s. 5.

3. Section 5 of said chapter 39 is hereby amended by adding thereto the following subsection:—

Qualification
for Aldermen.

"(c.) Or who have been for the twelve months next preceding the day of nomination the members of a partnership firm which for such twelve months has been the assessed owner of land or real property in the city of the value of one thousand dollars over and above any registered encumbrances, and whose individual interest in said partnership land is of not less value than five hundred dollars, and are otherwise qualified to vote at said election."

Council to consist of
Mayor and six
Aldermen.

4. The Council for said city shall consist of a Mayor and six Aldermen.

Re-enacts s. 8.

5. Section 8 of said chapter 39 is hereby repealed, and the following section substituted therefor:—

Voters at
first election.

"8. The persons qualified to vote for Mayor and Aldermen at such first election shall be all such persons as are male British subjects of the full age of twenty-one years, and whose names are on the last Provincial assessment roll and who are assessed for property within the city limits, or who are residents of and carry on business within the city limits and are the holders of a trader's licence for which the annual fee is not less than five dollars, or who are householders and have resided within the limits of the city for at least six months prior to the date of nomination."

Amends
ss. 13 and 14.

6. Sections 13 and 14 of said chapter 39 are hereby amended by striking out the figures "1898" where they occur therein, and by substituting therefor the figures "1899."

Interpretation of
"householder."

7. In this Act and in said chapter 39 "householder" shall extend to and include every person who holds and occupies a messuage, dwelling, or tenement, or any part or portion of a messuage, dwelling, or tenement, within the municipality yielding and paying therefor a rental or rent value of not less than sixty dollars per annum.

CHAPTER 67.

An Act to make Special Provision with regard to the City of Sandon.

[27th February, 1899.]

WHEREAS on account of natural conditions in the City of Sandon it is necessary, for the protection of property, for the Council to take measures for the improvement of the channels of Carpenter and Sandon Creeks:

And whereas said Council has expended considerable money in connection with said work and desires to expend more money thereon:

And whereas it has been determined by a Judge of the Supreme Court that such expenditure of money is not authorized by the "Municipal Clauses Act":

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Council of the City of Sandon from time to time to pass by-laws for the purpose of borrowing money to pay for expenditure already made and to be made by said Council in connection with improving the channels of Carpenter and Sandon Creeks in said city, and, if necessary, for diverting the channels of said creeks.

Sandon empowered to pass by-laws and borrow money for improving channels of Carpenter and Sandon Creeks.
2. All such by-laws so passed shall be subject to the provisions of the "Municipal Clauses Act," and shall not be valid until they have received the assent of the electors as provided in said Act.

Said by-laws must receive assent of electors.

Ashcroft Water, Electric, and Improvement Company	17th February, 1899.
Atlin Short Line Railway and Navigation Company	27th February, 1899.
Atlin Southern Railway Company	27th February, 1899.
Big Bend Transportation Company	27th February, 1899.
Chartered Commercial Company, of Vancouver	27th February, 1899.
Camloops and Atlin Railway Company	27th February, 1899.
Gitimaat Railway (Amendment)	27th February, 1899.

Kootenay and North-west Railway Company (Amendment)	27th February, 1899.
North Star and Arrow Lake Railway (Amend- ment)	27th February, 1899.
Pine Creek Flume Company	27th February, 1899.
South Kootenay Railway Company	27th February, 1899.
Vancouver, Northern, and Yukon Railway Com- pany	27th February, 1899.

CHAPTER 4.

1896, c. 8.

An Act to amend the "Columbia and Western Railway Subsidy Act, 1896."

[31st August, 1900.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

Short title.

1. This Act may be cited as the "Columbia and Western Railway
Subsidy Act Amendment Act, 1900."

Time for defining
and projecting land
grant extended for
one year from 27th
February, 1900.

2. The time limited by section 4 of chapter 8 of the Statutes of
1896, being the "Columbia and Western Railway Subsidy Act, 1896,"
for defining and projecting the lands to be granted to the Columbia
and Western Railway Company in pursuance of said section, as
amended by chapter 12 of the Statutes of 1898 and chapter 14 of the
Statutes of 1899, is hereby extended for one year from the twenty-
seventh day of February, 1900.

CHAPTER 6.

An Act to amend the "Public Dyking Act, 1898." 1898, c. 17.

[31st August, 1900.]

WHEREAS, by section 23 of the "Public Dyking Act, 1898," as Preamble.
 amended by section 3 of chapter 23 of the Statutes of 1899,
 the Lieutenant-Governor in Council was empowered to borrow a sum
 not exceeding two hundred and forty-nine thousand dollars for
 the purpose of constructing certain dyking-works, provided that the
 cost of the works in each district should not exceed the following
 respective amounts, namely:—

Chilliwack	\$155,000
Agassiz	10,000
Hatzic	50,000
Surrey	27,000
New Westminster District, generally ...	7,000

And whereas only one hundred and fifty-five thousand dollars of
 said sum of two hundred and forty-nine thousand dollars has been
 borrowed, as the proposed works at Agassiz, Hatzic, Surrey, and in
 the New Westminster District generally, were not proceeded with:

And whereas the sum of ninety-four thousand dollars, the balance
 of said sum of two hundred and forty-nine thousand dollars, is
 required for the improvement and completion of the dyking-works
 at Coquitlam, Maple Ridge, Pitt Meadows, Matsqui, and Chilliwack,
 authorized by said "Public Dyking Act, 1898," and for the
 maintenance and repair of the works in all the districts:

Therefore, Her Majesty, by and with the advice and consent of the
 Legislative Assembly of the Province of British Columbia, enacts as
 follows:—

1. This Act may be cited as the "Public Dyking Act, 1898, Amend- Short title.
 ment Act, 1900."

2. The said sum of ninety-four thousand dollars may from time to
 time be borrowed by the Lieutenant-Governor in Council by the sale
 of debentures or otherwise, and may be applied to the improvement
 and completion of the said works at Coquitlam, Maple Ridge, Pitt
 Meadows, Matsqui, and Chilliwack, or some or any of them, and to
 the maintenance and repair of the works in all the districts.

Lieut.-Governor in
 Council may borrow
 said sum of \$94,000.
 Application
 of money.

CHAPTER 10.

An Act to confirm the Assessment Roll of the City of Greenwood for the Year 1900.

[31st August, 1900.]

Preamble.

WHEREAS doubts have arisen as to the legality of the assessment roll of the City of Greenwood for the year 1900, as finally revised, equalized, and passed by the Court of Revision of the said city, sitting as a Court of Revision and Equalization on the eighteenth, nineteenth, and twentieth days of April, A.D. 1900:

And whereas it is expedient to confirm such revision and equalization, and to legalize and set at rest all doubts as to the legality of the said assessment roll:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the “Greenwood Relief Act, 1900.”

Confirmation of 1900 assessment roll.

2. The assessment roll of the City of Greenwood for the year 1900, as finally revised, equalized, and passed by the Court of Revision for the said city on the eighteenth, nineteenth, and twentieth days of April, 1900, is hereby confirmed and legalized.

CHAPTER 25.

1899, c. 56.

An Act to amend the “New Westminster Relief Act, 1899.”

[10th August, 1900.]

Preamble.

WHEREAS it is enacted by section 20 of the “New Westminster Relief Act, 1899,” that a rebate of sixteen and two-thirds per cent., as well as the interest which would otherwise be chargeable, on taxes levied by the Municipal Corporation of the City of New Westminster in the year 1898 and previous years should be allowed to all persons paying the said taxes on or before the first day of July, 1899:

And whereas many persons were prevented by the losses incurred in the fire of tenth September, 1898, from taking advantage of the said enactment, and it is desirable that a further opportunity be given them:

And whereas the Council of the Corporation of the City of New Westminster has by resolution, dated the twenty-second day of January, 1900, which resolution was unanimously passed, expressed a wish that such opportunity should be given:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "New Westminster Relief Act, Short title. 1899, Amendment Act, 1900."

2. Notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Rebate upon taxes levied in 1898 and previous years. Clauses Act," or in any by-law of the Corporation of the City of New Westminster, the Corporation of the City of New Westminster shall allow a rebate of sixteen and two-thirds per cent., as well as the interest which would otherwise be chargeable on said taxes, to all persons who shall pay the taxes levied in the year 1898 and previous years on or before the thirty-first day of October, 1900.

CHAPTER 28.

An Act to accelerate the Incorporation of the City of Phoenix.

[31st August, 1900.]

WHEREAS the residents of Phoenix, in the District of Yale, are desirous of securing immediate incorporation, but are prevented therefrom by the provisions of the "Municipalities Incorporation Act," which necessitate, amongst other requirements, notices and petitions: Preamble.

And whereas the exigencies of the case justify a departure from the general statutory conditions:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Phoenix Incorporation Act, Short title. 1900."

2. It shall be lawful for the Lieutenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be Incorporated of the City of Phoenix.

incorporated to observe the provisions of section 3 of chapter 143 of the Revised Statutes of British Columbia, as enacted by section 2 of chapter 55 of the Statutes of 1899, by Letters Patent under the Public Seal, to incorporate under the said Act into a city the tract of land set out in the Schedule hereto; and such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of the said chapter 143 of the Revised Statutes of British Columbia, save and except as provided in the following sections of this Act, which shall apply to such municipality.

What letters patent shall specify.

3. The letters patent incorporating such city corporation shall, in addition to specifying and providing for all matters referred to in section 4 of chapter 143 of the Revised Statutes of British Columbia, specify and provide for the matters referred to in sections 4 and 5 of this Act.

Qualification for Mayor.

4. The persons qualified to be nominated for and elected Mayor of such city at the first election, and at all elections and by-elections to be held during the years 1900 and 1901, shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

- (a.) Are at the date of nomination the assessed owners of land of real property in the city of the value of one thousand dollars over and above any registered encumbrance, and are otherwise qualified to vote at such election; or
- (b.) Who are at the date of nomination the sole tenants in possession of land or real property in the city of the value of two thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election; or
- (c.) Who are at the date of nomination the members of a partnership firm, or shareholders of a joint-stock company, which is at the said date of nomination the assessed owner of land or real property in the city of the value of one thousand dollars over and above any registered encumbrances, and whose individual interest in said partnership or company land is of not less value than one thousand dollars, and are otherwise qualified to vote at such election.

Qualification for Aldermen.

5. The persons qualified to be nominated for and elected as Aldermen of such city at the first election, and at all elections and by-elections to be held during the years 1900 and 1901, shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

- (a.) Are at the date of nomination the assessed owners of land or real property in the city of the value of five hundred

dollars over and above any registered encumbrances, and are otherwise qualified to vote at such election; or

(b.) Who are at the date of nomination the sole tenants in possession of land or real property in the city of the value of one thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election; or

(c.) Who are at the date of nomination the members of a partnership firm, or shareholders of a joint-stock company, which is at the said date of nomination the assessed owner of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and whose individual interest in said partnership or company land is of not less value than five hundred dollars, and are otherwise qualified to vote at such election.

6. Until the said municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city.

Mode of election until city divided into wards.

7. The Mayor and Aldermen elected at the first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified.

First Mayor and Aldermen to hold office till successors elected.

8. The persons qualified to vote for Mayor and Aldermen at the first election, and at all elections and by-elections to be held during the year 1900, shall be all persons who are male British subjects of the full age of twenty-one years, and have resided in the limits of the city for the three months next preceding the date of such election, and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election.

Voters at all elections held in 1900.

9. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons, qualified under section 8 of this Act, who make application to him as aforesaid to have their names placed on such list, and such list shall be the list of the electors for such elections.

Voters' lists.

10. Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorized to administer oaths, setting forth his name, address, occupation, and qualifications under this Act.

Declaration of voter.

11. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the municipality in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond

Sewage.

the limits of the said municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid.

Board of Licence
Commissioners,
special meeting of.

12. A special meeting of the Board of Licence Commissioners for the said city may, if desired, be held, at a time to be fixed by the Mayor, not less than one month or more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 180 of chapter 144 of the Revised Statutes of British Columbia may be had and exercised.

Road-tax.

13. It shall be lawful for the Council to levy and collect a road-tax for the whole of the year 1900 in the same manner and to the same extent as if the corporation had existed from the first day of January, 1900.

Payment to municipal-
ity of rateable
portion of real-estate
tax for 1900.

14. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality a rateable part of the real-estate tax collected upon property within the city for the year 1900, proportioned to the fraction of the year during which the city is governed by the charter issued under authority of this Act.

Payment to municipal-
ity of licence
fees.

15. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality the amount of all fees collected for liquor and other licences issued for hotels and other purposes within the incorporated area after the first day of July, 1900.

Licences.

16. All licences heretofore issued within the city limits shall be valid until the expiration of the period named in the same, and upon expiry the reissue shall be regulated by the statutory provisions governing the city.

Costs of
incorporation.

17. The Council may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about procuring the incorporation of the said city as they may deem proper.

Application
of "Municipal
Elections Act,"
"Municipalities
Incorporation Act,"
and "Municipal
Clauses Act."

18. All the provisions of chapters 68, 143, and 144 of the Revised Statutes of British Columbia, and amendments thereto, shall apply to the said municipality, except when the provisions of such Acts are repugnant to the provisions of this Act.

Borrowing-powers.

19. The Council may, during its first term, but not afterwards, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts, on the rateable lands or improvements, either or both, or the rateable real property

of the municipality, for any works of immediate necessity which are within the jurisdiction of the Council; such debts, however, not to exceed in the whole the sum of twenty-five thousand dollars.

20. The Council of said city shall consist of a Mayor and six Aldermen.

Council to consist of a Mayor and six Aldermen.

SCHEDULE.

THE CITY OF PHOENIX.

All the following pieces or parcels of land situate, lying, and being in Osoyoos Division of Yale District, in the Province of British Columbia:—

1. All that piece or parcel of land known and numbered as Lot 980, Group 1, upon the official map of the said district, containing forty-eight acres, more or less.

2. All that piece or parcel of land adjoining the above, and bounded as follows:—

Commencing at a point on the easterly boundary of Lot 981 at the intersection with the northerly boundary of the alley-way in Block 13, of the "Old Ironsides" subdivision of the Town of Phoenix produced; thence following the said boundary a distance of six hundred and thirty-three and three-tenth (633.3) feet to its intersection with the westerly boundary of First Street, in said subdivision, and bearing S. 78° 45' E. (astro.); thence following the westerly boundary of First Street a distance of two hundred and five (205) feet, and bearing S. 11° 15' W. (astro.) to its intersection with the southerly boundary of Old Ironsides Avenue; thence following the said boundary of said Avenue a distance of sixty (60) feet to the north-west corner of Block 1, and bearing S. 78° 45' E. (astro.); thence following the westerly boundary of Block 1 a distance of one hundred and thirty (130) feet, and bearing S. 11° 15' W. (astro.) to the south-west corner of said Block 1; thence following the southerly boundary of said Block 1 a distance of three hundred (300) feet, and bearing S. 78° 45' E. (astro.) to the south-east corner of said Block 1; thence following the easterly boundary of said Block 1 a distance of thirty (30) feet, and bearing N. 11° 15' E. (astro.) to the intersection with the south boundary of Block 2 produced westerly; thence following the said southerly boundary of Block 2 produced a distance of ten hundred and twenty (1020) feet, and bearing S. 78° 45' E. (astro.) to its intersection with the boundary of the Old Ironsides spur right-of-way of the Columbia and Western branch of the Canadian Pacific Railway; thence following the said boundary, running parallel to the centre line of said Old Ironsides spur, to its intersection with the boundary of the Brooklyn spur of the said Columbia and Western branch; thence following said boundary of said Brooklyn spur, running parallel to the centre line of said spur, to its intersection with the northerly boundary of Victoria Avenue of the said Old Ironsides subdivision; thence following the westerly boundary of said Victoria Avenue a distance of six hundred and eighty (680) feet, and bearing N. 78° 45' W. (astro.) to the south-west corner of Block 27; thence following the westerly boundary of said Block 27 produced a distance of forty-six and nine-tenths (46.9) feet, and bearing S. 7° 28' W. (astro.) to the south-east corner of Lot 558; thence following the south boundary of said Lot 558 produced a distance of seven hundred and forty and eight-tenths (740.8) feet to intersection with the easterly boundary of Lot 981; thence following the easterly boundary of said Lot 981 a distance of one hundred and forty and seven-tenths (140.7) feet, and bearing N. 5° 59' E.

(astro.) to an intersection with the south boundary of Lot 982; thence in a north-westerly direction a distance of five hundred and five (505) feet, more or less, to a post planted at the intersection of the east boundary of Lot 981 and the south boundary of Lot 796; thence in a north-westerly direction a distance of four hundred and forty (440) feet, more or less, to a point, said point being the intersection of the north side of Dominion Avenue produced and the west boundary of Lot 796; thence south $1^{\circ} 34'$ E. (astro.) along the west boundary of Lot 796 a distance of one hundred and seventy-five (175) feet, more or less, to a post planted at the intersection of the west boundary of Lot 796 with the north boundary of Lot 981; thence following the north boundary of said Lot 981 a distance of twenty (20) feet, and bearing S. $84^{\circ} 1'$ W. (astro.); thence following a bearing of S. $1^{\circ} 34'$ E. (astro.), and a distance of three hundred (300) feet to a post; thence following a bearing of S. $21^{\circ} 19'$ E. (astro.) and a distance of one thousand (1,000) feet to the intersection of the northerly boundary of the alley-way in Blocks 12 and 13 of the Old Ironsides subdivision and the easterly boundary of Lot 981; containing one hundred acres, more or less.

Pine Creek Discovery Confirmation31st August, 1900.
 Rossland Water and Light Company (Amendment)31st August, 1900.

CHAPTER 33.

An Act to make Special Provision with regard to the Qualifications of the Members of the Council of the City of Sandon.

[21st August, 1900.]

Preamble.

WHEREAS, owing to the real estate situate within the corporate limits of the City of Sandon being owned by a few persons, it is doubtful if there is a sufficient number of persons in said city qualified to fill the positions of Mayor and Aldermen of said city:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Qualification
of Mayor.

1. The persons qualified to be nominated for and elected Mayor of the City of Sandon shall be such persons as are male British

subjects of the full age of twenty-one years, and are not disqualified under any law, and appear on the last revised municipal assessment roll of said city as the owners of land or real property in the said city of the assessed value of one thousand dollars or more over and above any registered encumbrance or charge, and who are otherwise qualified as municipal voters.

2. The persons qualified to be nominated for and elected Aldermen of the said city shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and appear on the last revised municipal assessment roll of the said city as the owners of land or real property of the assessed value of five hundred dollars over and above any registered encumbrances or charges, and are otherwise qualified as municipal voters.

Qualification
of Aldermen.

3. The existing or acting Council of said city shall have power to do everything necessary to provide for the holding, at a time to be fixed by said Council, of an election of Mayor and Councillors for said city for the remainder of the present municipal year.

Enabling acting
Council to provide
for election for
balance of present
year.

4. All the provisions of the "Municipal Elections Act" and of the "Municipal Clauses Act" shall, mutatis mutandis, apply to said election and the proceedings in connection therewith.

Such election to be
governed by
"Municipal Elec-
tions Act."

CHAPTER 42.

An Act to authorize a Grant to the Corporation of the
City of Vancouver of certain Crown Lands situate
in said City.

[31st August, 1900.]

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

1. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Vancouver—

(a.) All the estate, right, title, and interest of Her Majesty the Queen in the right of the Province of British Columbia in the foreshore of False Creek, in the City of Vancouver, and

Foreshore and land
covered by waters of
False Creek may be
granted to city.

in the land covered by the waters of said creek, which said foreshore and land covered with water are coloured pink upon the map signed by the Honourable Wilmer Cleveland Wells, Chief Commissioner of Lands and Works, and by James Ford Garden, Mayor of said city, and lying easterly of the projection south of the west boundary of Carrall Street, and filed in the Department of Lands and Works at Victoria, the fourteenth day of August, A.D. 1900.

Portion of foreshore and land covered by waters of Coal Harbour may be granted to city.

- (b.) All the estate, right, title, and interest of Her Majesty the Queen in the right of the Province of British Columbia in the foreshore of the portion of Coal Harbour, in the City of Vancouver, coloured pink upon said map, and in the land covered by the waters of said portion of Coal Harbour, and lying westerly of the east side of Stanley Park, which said land covered with water is also coloured pink upon said map.

Anglican Synod of the Diocese of New Westminster (Amendment)	31st August, 1900.
Crow's Nest Pass Electric Light and Power Company	31st August, 1900.
Grand Forks and Kettle River Railway Company	31st August, 1900.
Kamloops and Atlin Railway Company	31st August, 1900.
Kitimaat-Caledonia Company	31st August, 1900.
Pacific Northern and Omineca Railway Company,	31st August, 1900.
Rock Bay and Salmon River Railway Company	31st August, 1900.
Vancouver and Lulu Island Railway (Amendment)	31st August, 1900.
Vancouver and Westminster Railway Company	31st August, 1900.
Vancouver City Incorporation (Consolidation)	31st August, 1900.
Vancouver, Northern, and Yukon Railway (Amendment)	31st August, 1900.
Western Telephone and Telegraph Company	31st August, 1900.

CHAPTER 20.

An Act to confirm certain Dyking Assessments.

1898, c. 17, s. 23.

[25th April, 1901.]

WHEREAS, by section 23 of chapter 17 of the Statutes of Preamble.

1898, as amended by chapter 23 of the Statutes of 1899, the Lieutenant-Governor in Council was authorized from time to time to borrow a sum sufficient to construct, amongst other works, the works in the Chilliwack Dyking District, set out in the Schedule to said first-mentioned Act, not exceeding the sum of one hundred and fifty-five thousand dollars:

And whereas the said works in the Chilliwack Dyking District have been undertaken and the said moneys have been borrowed by the Lieutenant-Governor in Council, and have been expended or are being expended on said works:

And whereas the lands to be benefited by the execution of the said works have been assessed for the moneys expended and to be expended as aforesaid:

And whereas, under the provisions of section 25 of said Act of 1898, the damming of Hope, Camp, Halfmoon, and Greyell Sloughs with the intervening dykes, being found to be of immediate importance, was undertaken by the Lieutenant-Governor in Council forthwith after the passing of the Act:

And whereas the construction of the remainder of said works in the said Chilliwack Dyking District had to be commenced before obtaining the approval of the majority in interest and number of the proprietors of land in said district, as provided by the Act in that behalf:

And whereas the approval of said proprietors was subsequently obtained to the prosecution of all of said works:

And whereas it is expedient to confirm and legalize the said assessments in all respects:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Dyking Assessment Confirmation Act, 1901.” Short title.

2. The approval actually given by the majority in interest and number of the proprietors within the said Chilliwack Dyking District to the prosecution of all of said works shall be deemed to be a sufficient approval of said works for all the purposes of the “Drainage, Dyking, and Irrigation Act,” being chapter 64 of the Revised Statutes, 1897, and of the Acts above mentioned. Approval of works.

Confirmation of
assessments.

3. All the several plans, memoranda, assessments, and assessment rolls made, prepared, revised, or used, and all rates levied for the purpose of levying, collecting, or raising the amounts expended upon the said works, are hereby legalized and confirmed and declared to be legal, valid, and binding as fully to all intents and purposes as if the said plans, memoranda, assessments, and assessment rolls had been made, prepared, revised, and authenticated with strict regard to and in accordance with the various statutory provisions, requirements, and powers relevant thereto.

CHAPTER 26.

An Act to empower the City of Greenwood to complete and confirm the Appropriation of certain Lands.

[11th May, 1901.]

Preamble.

WHEREAS the Corporation of the City of Greenwood has, by a by-law dated the eleventh day of December, 1899, established and opened a lane or alley in the City of Greenwood, ten feet wide, and running north and south between Wellington and Deadwood Streets, through Blocks 7 and 12, in said city, and for that purpose has expropriated the eastern five feet of all lots in said Blocks 7 and 12 facing on Silver Street, and the western five feet of all lots in said Blocks 7 and 12 facing on Copper Street, in said city:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Greenwood Relief Act, 1901."

Expropriation of
land for a lane.

2. The Council of the City of Greenwood may pass a by-law for providing the means of ascertaining and determining what land or real property will be immediately benefited by the establishment and opening of the said alley or lane, and for ascertaining and determining the proportion in which the assessment is to be made on the various portions of land or real property benefited, and for assessing the land or the real property so benefited, and for levying and collecting, by means of a special rate or tax upon such land or real property, such proportion, not to exceed eighty per cent., of the amount of the compensation paid or awarded as damages to the owners of the land or real property entered upon or expropriated for the purpose of establishing and opening such lane or alley as the Council may determine, and for regulating the time or times and the manner in which the said assessments to be levied are to be paid, as if such expenditure were a local improvement within the meaning of section 245 of the "Municipal Clauses Act."

CHAPTER 40.

An Act to confirm By-laws Nos. 87 and 88 of the By-laws of the City of Nelson.

[11th May, 1901.]

WHEREAS under By-laws of the City of Nelson numbered 68, 69, 70, 71, and 72 certain debentures were issued: Preamble.

And whereas the said by-laws authorized the levying of certain rates and assessments:

And whereas it is expedient to empower the Municipal Council of the City of Nelson to cancel all rates and assessments which might be levied under the said by-laws, or any of them, and to cancel the said debentures, with the consent of the holders thereof:

And whereas doubts have arisen as to the legality of the By-laws Nos. 87 and 88 of the City of Nelson, finally passed and adopted on the twenty-sixth day of February, 1901:

And whereas it is expedient to confirm said last-mentioned by-laws and to legalize and set at rest all doubts as to the legality of the said last-mentioned by-laws:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Nelson Relief Act, 1901."

Short title.

2. By-laws Nos. 87 and 88 of the by-laws of the City of Nelson as finally passed and adopted on the twenty-sixth day of February, 1901, copies of which are set out in the Schedule hereto, are hereby confirmed and legalized; and the said by-laws, and all provisions thereof, are hereby declared to be valid, legal, and effectual to the same extent as if the provisions thereof were contained in this Act; and all debentures issued, or to be issued, by the municipality in pursuance of the said by-laws, or any of them, are hereby declared to be good, valid, and effectual, and to be binding upon the municipality in accordance with the terms thereof.

By-laws Nos. 87 and 88 of City of Nelson confirmed and legalized.

3. It shall and may be lawful for the Municipal Council of the City of Nelson, with the consent of the lawful holders of the debentures issued under By-laws Nos. 68, 69, 70, 71, and 72 of the by-laws of the City of Nelson, to withdraw and cancel the said debentures, and to cancel all rates and assessments which have been or might be made or levied by virtue thereof, and to repeal the said by-laws by a by-law of the said Municipal Council.

Council authorized to repeal certain by-laws and to cancel rates imposed under them.

SCHEDULE.

(BY-LAW No. 87.)

A BY-LAW TO RAISE \$79,000 FOR THE PURPOSE OF PAYING OFF ADVANCE MADE BY
BANK OF MONTREAL ON DEBENTURES HYPOTHECATED.

Whereas By-laws Nos. 68, 69, 70, 71, and 72 of the by-laws of the City of Nelson, being respectively a by-law to raise \$15,000 to extend the waterworks system, a by-law to raise \$15,000 to extend and improve the electric-light system, a by-law to raise \$20,000 to extend the sewerage system, a by-law to raise \$20,000 to improve the streets within the City of Nelson, and a by-law to raise \$6,000 for purchasing a road-making plant, were duly passed, and debentures issued thereunder for the respective sums mentioned in said by-laws, in all the sum of \$76,000, but said debentures so issued remain unsold:

And whereas said debentures so issued and unsold were hypothecated to the Bank of Montreal as security for an advance thereon of \$76,000 for the purposes in the said by-laws recited:

And whereas a petition has been presented to the Municipal Council of the Corporation of the City of Nelson, signed by the owners of at least one-tenth of the value of the property in the said city, as shown by the last revised assessment roll, requesting the said Council to introduce a by-law to raise the sum of seventy-nine thousand dollars (\$79,000) for the purposes of paying off the indebtedness to the Bank of Montreal and interest thereon for which said debentures are so hypothecated:

And whereas it is deemed expedient to borrow the sum of seventy-nine thousand dollars (\$79,000) (which is the amount of the debt intended to be created by this by-law) for the purposes aforesaid:

And whereas the amount of the whole rateable real property of the said city, according to the last revised assessment roll, is two million sixty-five thousand four hundred dollars (\$2,065,400):

And whereas it will be necessary to raise annually by rate the sum of six thousand seven hundred and ninety-four dollars (\$6,794) for paying the said debt and interest:

Now, therefore, the Municipal Council of the Corporation of the City of Nelson, in Council assembled, enacts as follows:—

1. It shall and may be lawful for the Mayor of the Corporation of the City of Nelson to borrow, upon the credit of the said Corporation, by way of debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same as a loan, a sum of money not exceeding on the whole the sum of seventy-nine thousand dollars (\$79,000), and to cause all such sums so raised or received to be paid into the hands of the Treasurer of the said Corporation, for the purpose and with the object hereinbefore recited.

2. It shall be lawful for the Mayor of the said Corporation to cause any number of debentures to be made, executed, and issued for such sum or sums as may be required for the purpose and object aforesaid, not exceeding, however, the sum of seventy-nine thousand dollars (\$79,000), each of the said debentures being of the denomination of one thousand dollars (\$1,000); and all such debentures shall be sealed with the seal of the Corporation and signed by the Mayor thereof.

3. The said debentures shall bear date the first day of April, A.D. 1901, and shall be made payable in twenty years from the said date, in lawful money of Canada, at the office of the Bank of Montreal in Nelson aforesaid, which said place of payment shall be designated by the said debentures, and shall

have attached to them coupons for the payment of interest, and the signatures to the interest coupons may be either written, stamped, printed, or lithographed.

4. The said debentures shall bear interest at the rate of five per cent. per annum from the date thereof, which interest shall be payable semi-annually at the said office of the Bank of Montreal in Nelson aforesaid, in lawful money of Canada, on the first day of April and the first day of October respectively in each year during the currency thereof, and shall be expressed in said debentures and coupons to be so payable.

5. It shall be lawful for the Mayor of said Corporation to negotiate and sell the said debentures or any of them for less than par; but in no case shall the said debentures or any of them be negotiated or sold for less than ninety-five per centum of their face value, including the cost of negotiating and sale, brokerage, and other incidental expenses.

6. There shall be raised and levied in each year during the currency of said debentures the sum of thirty-nine hundred and fifty dollars (\$3,950) for the payment of interest and the sum of twenty-eight hundred and forty-four dollars (\$2,844) for the payment of the debt due under the said debentures by a rate sufficient therefor on all the rateable land in the said municipality.

7. It shall be lawful for the said Municipal Council to repurchase any of the said debentures upon such terms as may be agreed upon with the legal holder or holders thereof, or any part thereof, either at the time of sale or any subsequent time or times, and all debentures so repurchased shall forthwith be cancelled and destroyed, and no reissue of debentures so repurchased shall be made in consequence of such repurchase.

8. This by-law shall take effect on the date of the final passage thereof.

Done and passed in Council at the City of Nelson on the day
of , A.D. 1901.

(BY-LAW No. 88.)

A BY-LAW TO RAISE \$21,000 TO PAY OVERDRAFT DUE THE BANK OF MONTREAL AND
ACCUMULATED INTEREST.

Whereas a petition has been presented to the said Municipal Council of the Corporation of the City of Nelson, signed by the owners of at least one-tenth of the value of the real property in the said city, as shown by the last revised assessment roll, requesting the said Council to introduce a by-law to raise the sum of twenty-one thousand (\$21,000) dollars for the purpose of paying off the indebtedness due by the City of Nelson to the Bank of Montreal by way of overdraft and accumulated interest:

Whereas it is deemed expedient to borrow the said sum of twenty-one thousand dollars (\$21,000) (which is the amount of the debt intended to be created by this by-law) for the purposes aforesaid:

And whereas the amount of the whole rateable real property of the said city, according to the last revised assessment-roll, is two million sixty-five thousand four hundred dollars (\$2,065,400):

And whereas it will be necessary to raise annually by rate the sum of \$1,806 for paying the said debt and interest:

Now, therefore, the Municipal Council of the Corporation of the City of Nelson, in Council assembled, enacts as follows:—

1. It shall and may be lawful for the Mayor of the Corporation of the City of Nelson to borrow, upon the credit of the said Corporation, by way of debentures hereinafter mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same as a loan, a sum

of money not exceeding in the whole the sum of twenty-one thousand dollars (\$21,000), and to cause all sums so raised or received to be paid into the hands of the Treasurer of the said Corporation, for the purpose and with the object hereinbefore recited.

2. It shall be lawful for the Mayor of the said Corporation to cause any number of debentures to be made, executed, and issued for such sum or sums as may be required for the purpose and object aforesaid, not exceeding, however, the sum of twenty-one thousand dollars (\$21,000), each of the said debentures of the denomination of one thousand dollars (\$1,000); and all such debentures shall be sealed with the seal of the Corporation and signed by the Mayor thereof.

3. The said debentures shall bear date the first day of April, A.D. 1901, and shall be payable in twenty years from the said date, in lawful money of Canada, at the office of the Bank of Montreal in Nelson aforesaid, which said place of payment shall be designated by the said debentures, and shall have attached to them coupons for the payment of interest, and the signatures to the interest coupons may be either written, stamped, printed, or lithographed.

4. The said debentures shall bear interest at the rate of five per centum per annum from the date thereof, which interest shall be payable semi-annually at the said office of the Bank of Montreal in Nelson aforesaid, in lawful money of Canada, on the first day of April and the first day of October respectively in each year during the currency thereof, and shall be expressed in said debentures and coupons to be so payable.

5. It shall be lawful for the Mayor of said Corporation to negotiate and sell the said debentures or any of them for less than par; but in no case shall the said debentures or any of them be negotiated or sold for less than ninety-five per centum of their face value, including the cost of negotiating and sale, brokerage, and other incidental expenses.

6. There shall be raised and levied in each year during the currency of said debentures the sum of ten hundred and fifty dollars (\$1,050) for the payment of interest and the sum of seven hundred and fifty-six dollars (\$756) for the payment of the debt due under the said debentures by a rate sufficient therefor on all of the rateable land in said municipality.

7. It shall be lawful for the said Municipal Council to repurchase any of the said debentures upon such terms as may be agreed upon with the legal holder or holders thereof, or any part thereof, either at the time of sale or any subsequent time or times, and all debentures so repurchased shall forthwith be cancelled and destroyed, and no reissue of debentures so repurchased shall be made in consequence of such repurchase.

8. This by-law shall take effect on the day of the final passage thereof.

Done and passed in Council at the City of Nelson on the _____ day
of _____, A.D. 1901.

CHAPTER 41.

An Act to amend the New Westminster Relief Acts.

1889, c. 59;
1900, c. 23.

[11th May, 1901.]

WHEREAS, by section 20 of the "New Westminster Relief Act, 1899," it is enacted that, notwithstanding anything contained in the said "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Clauses Act," or in any by-law of the Corporation, the Corporation shall allow a rebate of sixteen and two-thirds per cent., as well as the interest which would otherwise be chargeable on said taxes, to all persons who shall pay the taxes levied in the year 1898 and previous years on or before the first day of July, 1899:

Preamble.

And whereas, by section 2 of the "New Westminster Relief Act, 1899, Amendment Act, 1900," it is enacted that, notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, or in the "Municipal Clauses Act," or in any by-law of the Corporation, the Corporation shall allow a rebate of sixteen and two-thirds per cent., as well as the interest which would otherwise be chargeable on said taxes, to all persons who shall pay the taxes levied in the year 1898 or previous years on or before the first day of October, 1900:

And whereas some of the taxes levied in the year 1898 and previous years have not been paid, notwithstanding such provisions:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Notwithstanding anything contained in the "New Westminster Relief Act, 1899," and the "New Westminster Relief Act, 1899, Amendment Act, 1900," all taxes levied by the Corporation of the City of New Westminster in the year 1898 and previous thereto, the time for payment of which may have been extended by said "New Westminster Relief Act, 1899," and said "New Westminster Relief Act, 1899, Amendment Act, 1900," which were unpaid on the thirty-first day of December, 1900, shall be deemed to have become due and in arrear at the time such taxes would have so become due and in arrear if said "New Westminster Relief Act, 1899," and "New Westminster Relief Act, 1899, Amendment Act, 1900," had not been passed, and to have remained due and in arrear from the date of their so having become due and in arrear, notwithstanding the passage of the two last-named Acts.

Operation of Relief
Acts upon taxes in
arrear.

CHAPTER 42.

An Act to relieve the City of Phoenix from certain Disabilities.

[25th April, 1901.]

Preamble.

WHEREAS provision is made by subsection (153) of section 50 of chapter 144 of the Revised Statutes, 1897, being the "Municipal Clauses Act," for the passage of by-laws authorizing the borrowing of a sum of money not exceeding an amount equal to the total amount of taxes upon the land or real property as shown by the revised assessment roll of the municipality for the preceding year, under certain conditions therein set out:

And whereas the City of Phoenix was incorporated so late in the year 1900 that, although an assessment roll was prepared for 1900, it was impossible to strike a rate thereon, or to levy any taxes thereon; and it is advisable to confer the necessary authority to exercise the said powers:

And whereas subsection (5) of section 6 of chapter 68 of the Revised Statutes, 1897, being the "Municipal Elections Act," as enacted by section 1 of chapter 7 of the Statutes of 1900, fixes a certain time in each year by which assessed owners, tenants, or occupiers of land or improvements within a municipality must have their names entered on the voters' list of the municipality, in order to be entitled to vote at elections:

And whereas the City of Phoenix was incorporated so late in the year 1900 that it was impossible to comply strictly with these provisions:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Phoenix Relief Act, 1901."

By-laws authorizing the borrowing of money.

2. The Municipal Council of the City of Phoenix may, during the year 1901, make and pass a by-law or by-laws for the purposes set out in subsection (153) of section 50 of said chapter 144 of the Revised Statutes, 1897, and subject to the limitations and conditions contained in said subsection, save that the amount to be borrowed shall not exceed an amount equal to fifteen mills on the dollar of the value of land or real property within the Municipality, according to the last revised Municipal assessment roll.

Validation of voters' list.

3. The Municipal voters' list of the City of Phoenix, as revised and used at the annual Municipal Election which was held in the month of January, 1901, is hereby confirmed and legalized as the list of qualified voters for the year 1901.

4. Section 19 of chapter 28 of the Statutes of 1900, being the "Phoenix Incorporation Act, 1900," is hereby repealed, and everything which may have been done by the Municipal Council of the City of Phoenix before the passing of this Act shall be as valid as if the said section had never been enacted.

Repeals s. 19,
c. 28 of 1900.
(Borrowing-powers
of Phoenix Council
during first term.)

CHAPTER 47.

An Act to incorporate the Royal Columbian Hospital.

[11th May, 1901.]

WHEREAS the trustees of the Royal Columbian Hospital, constituted and appointed by the Act 52 Victoria, chapter 23, have found it necessary that certain additions, alterations, and improvements be made in and about the said Hospital, in order to the better carrying-out of the purposes for which the same was established:

Preamble.

And whereas certain sums of money are granted towards the maintenance of the said Hospital from time to time by the Government of British Columbia:

And whereas the Council of the Corporation of the City of New Westminster has undertaken, by the remission of certain taxes and in other ways, to grant assistance to the said Hospital:

And whereas the said trustees have entered into an arrangement with the committee in charge of the Women's Hospital of New Westminster, under which the said Women's Hospital is to be amalgamated with the Royal Columbian Hospital, and certain changes in it and about the said last-named Hospital are to be made:

And whereas it is expedient to make provision for the carrying-out of the said arrangements and for the future good government and management of the said Hospital:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Royal Columbian Hospital Act, 1901."

2. In this Act the expression "the Hospital" or "the said Hospital" shall mean the Royal Columbian Hospital; the expression "the Board" or "the said Board" shall mean the Board of Managers for the time being of the said Hospital, as duly appointed

Interpretation.

under the provisions of this Act; and the expression "Women's Council of New Westminster" shall mean that voluntary association of women in New Westminster (for some time in charge of the Women's Hospital there) known as the Local Council of Women, being a branch of the National Council of Women of Canada, as founded by the Countess of Aberdeen, A.D. 1893.

- Incorporation name. **3.** The persons duly appointed from time to time, as hereinafter provided, to be members of the Board of Management of the Royal Columbian Hospital are hereby constituted a body politic and corporate by and under the name of "The Royal Columbian Hospital."
- Vesting of property. **4.** All real and personal estate vested in and held by any person or persons in trust for the said Royal Columbian Hospital at the time of coming into force of this Act shall be and the same is hereby transferred to and vested in the said body corporate, subject nevertheless to any charge or other liability (if any) for the time being affecting the same.
- Powers as to Property. **5.** It shall be lawful for the said body corporate to take, purchase, hold, and enjoy not only such lands, buildings, and hereditaments as may from time to time be required, used, or occupied for the immediate uses and purposes of the said Hospital, but also any other lands and hereditaments whatsoever, wheresoever situate, and also to take, purchase, receive, hold, and enjoy any goods, chattels, and personal property, and also to sell, grant, convey, assure, demise, or otherwise dispose of absolutely, but not by way of mortgage, any of the property, real or personal, belonging to the said body corporate.
- Board of Managers. **6.** The said Hospital and the property of the said body corporate shall be governed, managed, and disposed of by a Board of Managers, subject to the by-laws, rules, and regulations for the time being of the said Hospital; and seven of the appointed members shall form a quorum of the Board for the doing of any act or performing or transacting of any business which may, under the provisions of this Act, or of the by-laws, rules, and regulations of the said Hospital, be done, performed, or transacted: Provided, however, that no by-law, rule, or regulation shall be passed, altered, amended, suspended, or repealed without the consent, expressed by vote at a duly called or stated meeting of the said Board, of a majority of all the appointed members of the said Board then in office.
- Quorum. **7.** The Board of Managers shall consist of twelve persons, to be appointed in the manner following, that is to say: Four persons to be appointed by the Lieutenant-Governor in Council; four persons to be appointed by the City Council of New Westminster; and four
- Constitution of Board.

persons to be appointed by the Women's Council of New Westminster; and all duly appointed members of the Board shall hold office until their successors shall have been appointed.

8. The Reeves for the time being of all the municipalities lying wholly or in part within the Dominion Electoral District of New Westminster shall be ex-officio honorary members of said Board. Honorary members of Board.

9. The persons, or any of them, appointed from time to time by the City Council of New Westminster and by the Women's Council of New Westminster may be members of the said Councils or otherwise as the said Councils respectively may see fit; but no clergyman or minister of any religious denomination shall be appointed or shall be eligible to serve as a member of the Board. Qualifications of members of Board.

10. On or before the fifteenth day of June, 1901, the Lieutenant-Governor in Council, the City Council of New Westminster, and the Women's Council of New Westminster, respectively, shall appoint two persons to be members of the Board for two years, and two persons to be members of the Board for one year; and on or before the fifteenth day of June in each succeeding year two persons to be members of the Board for two years; and retiring members of the Board shall be eligible for reappointment. First appointments. Terms of office.

11. The Board shall hold its first meeting at such time and place as shall be fixed by the Lieutenant-Governor in Council. First meeting.

12. There shall be a regular annual meeting of the Board on such day between the nineteenth and thirtieth days of June in each year as the Board shall from time to time by resolution appoint. Annual meeting.

13. At such annual meeting the Board shall appoint from among its members a president and such other officers as it shall deem necessary, and such officers so appointed shall hold office until their successors are appointed. Election of officers.

14. In case of the death or resignation of any officer of the Board, the Board shall, as soon as may be, appoint some other of its members to the position so rendered vacant; and in case of the death or resignation of any member of the Board, the body by which such member was originally appointed shall, at its first meeting after receipt from the Board of notification of such death or resignation, appoint some person to be a member of the Board in place of the member so dying or resigning, and the person so appointed shall hold office for the remainder of the term for which the person so dying or resigning was originally appointed. Death or resignation of member of Board.

15. The said Hospital shall have a house surgeon and a medical staff. The house surgeon shall be appointed by the Lieutenant- House surgeon.

Medical staff.

Governor in Council, who shall fix his salary, and shall be a duly qualified physician and surgeon. He shall not, during his occupancy of the position of house surgeon of the said Hospital, engage in the practice of medicine or surgery except in connection with the said Hospital. The medical staff shall consist of all the duly qualified medical practitioners of the City of New Westminster, certified as such to the Board by the secretary for the time being of the Medical Council of British Columbia.

Appointment of paid officials

16. All paid officials of the Hospital, other than the house surgeon, shall be appointed and may be dismissed or discharged by the Board.

Privileges of medical staff.

17. Every member of the medical staff shall have the right to send his patients to the Hospital for treatment, and to attend them while there. Patients may be received either as "paying" or "non-paying." Paying patients shall be charged a sum per diem which shall be according to a fixed scale, based upon accommodation and attendance required. This sum shall not include medical attendance, but every patient shall be responsible for the payment of his own medical attendant: Provided that non-paying patients entering the Hospital otherwise than on the order of a member of the medical staff shall be attended free of charge by the house surgeon:

Paying patients.

Non-paying patients.

Provided that any duly qualified medical practitioner actually engaged in the practice of his profession in any part of the Province shall have the like powers and privileges as those given to the medical staff by this section; but in case any patient sent to the hospital by such practitioner is rated and treated as a "non-paying" patient, the practitioner shall be responsible for the payment to the Board, on account of such patient, of a sum not exceeding fifty cents per day.

Powers and duties of house surgeon.

18. The house surgeon shall, under the supervision of the Board, have the general management and superintendence of the Hospital, and shall be responsible for the sanitary arrangements thereof.

Admission of clergymen.

19. All clergymen and ministers of every religious denomination shall have free admittance, at all reasonable hours, to the patients in the said Hospital.

Common seal.

20. It shall be lawful for the said Board, at any time and from time to time, to design, change, or alter the common seal of the said Hospital, and to make, repeal, and alter by-laws, rules, and regulations for governing and managing the said Hospital and the property, real and personal, thereof; and by such by-laws, rules, and regulations the Board may make provision for the regulation of the duties and conduct of all officers, servants, and patients of the said Hospital, and for the appointment and duties of such sub-committees

By-laws.

of the said Board as the said Board shall from time to time see fit to appoint, and for the appointment and support of a training-school and a nursing and training staff for the said Hospital: Provided that no such by-laws, rules, or regulations shall be in any way repugnant to or inconsistent with the provisions herein contained.

21. It shall be lawful for the Board to grant diplomas to persons Diplomas to nurses. who have taken a regular course of not less than three years in the training-school and nursing staff of the said Hospital, and who have passed such examinations as may be prescribed in that behalf by the Board and approved of by the medical staff. Such diplomas may also be granted to persons who, having received part of their training as nurses in some other hospital, shall undergo such further course of training and nursing as shall be, in the opinion of the Board, equivalent, with their former course, to the full course prescribed by this section, and who shall pass the required examination. All diplomas shall be sealed with the common seal of the Hospital, and signed by the president of the Board and the teaching body, and for the purposes of this section the medical staff of the Hospital shall be the teaching body. The diploma shall set forth that the person named therein is a trained nurse.

22. Whenever, in the appointment of persons to be members of Ballot. the said Board, or in the appointment by the said Board of officers or sub-committees, an election becomes necessary, such election shall be by ballot.

23. A copy of any by-laws, rules, or regulations of the said Certified copies of by-laws as evidence. Hospital sealed with the seal of the said Hospital, and purporting to be certified as correct by the secretary for the time being of the said Hospital, shall be received in any Court as evidence of such by-laws, rules, or regulations.

24. It shall be lawful for the Board at any time to institute and Action for fees, etc. prosecute, on behalf and in the name of the said Hospital, proceedings in any Court against any person or persons who may have received medical or surgical treatment and attention, or both, in the said Hospital, or against the executors or administrators of any such person or persons, or against the committee or receiver of the estate of any such person or persons, or, where such person or persons, in the opinion of the Board, are in destitute circumstances, against the municipality in which such person or persons resided immediately before being sent to the Hospital, for the recovery of fees and remuneration for such care and attention, and any amount recovered in any such proceeding shall be applied in such way as the by-laws for the time being may provide: Provided that no charge made against a municipality under this section shall exceed fifty

cents for each day or part of a day during which the person on account of whose care or treatment the charge is made was an inmate of the said Hospital.

Irregularity, etc., in election or appointment of member of Board not to invalidate acts.

25. No irregularity, informality, or illegality in the election or appointment of any member of the said Board, or of any officer of the said Hospital, shall be taken or construed to render illegal or invalid any act, deed, matter, or thing done or executed, or suffered to be done or executed, by such member or officer in pursuance of such election or appointment.

Failure to appoint members of Board not to invalidate acts, etc.

26. No failure or omission of the Lieutenant-Governor in Council, or of the City Council or Women's Council of New Westminster, to appoint persons to be members of the Board shall operate to render illegal or invalid any act of the said Board, or to dissolve the body corporate created by this Act, or to annul or make void any of the powers conferred by this Act upon the said body corporate.

Appointments by Judge of Supreme Court.

27. If at any time or from time to time it shall happen that one or more vacancies exist in the membership of the said Board, which vacancies from any cause cannot be filled for the time being in the manner hereinbefore prescribed, it shall be lawful for the Board, upon ex parte application on petition to any Judge of the Supreme Court sitting at New Westminster, to obtain an order, and it shall be lawful for such Judge to grant an order, appointing some person or persons, and so many as may be required to fill such vacancy or vacancies, to be members of the said Board; and any and every member of the Board so appointed shall have the like powers and privileges, and shall be subject to the same conditions as to term of service, retirement from the Board, and eligibility for reappointment, as if he had been appointed in the manner first prescribed by this Act.

CHAPTER 50.

An Act to accelerate the Incorporation of the City of Slocan.

[25th April, 1901.]

Preamble.

WHEREAS the residents of Slocan, in the District of West Kootenay, are desirous of securing immediate incorporation, but are prevented therefrom by the provisions of the "Municipalities Incorporation Act," which necessitate, amongst other requirements, notices and petitions:

And whereas the exigencies of the case justify a departure from the general statutory conditions:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Slocan Incorporation Act, Short title. 1901."

2. It shall be lawful for the Lieutenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of chapter 143 of the Revised Statutes of British Columbia, as enacted by section 2 of chapter 55 of the Statutes of 1899, by Letters Patent under the Public Seal, to incorporate under the said Act into a city the tract of land set out in the Schedule hereto; and such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of the said chapter 143 of the Revised Statutes of British Columbia, save and except as provided in the following sections of this Act, which shall apply to such municipality.

3. The letters patent incorporating such city corporation shall, in addition to specifying and providing for all matters referred to in section 4 of chapter 143 of the Revised Statutes of British Columbia, specify and provide for the matters referred to in sections 4 and 5 of this Act.

4. The persons qualified to be nominated for and elected Mayor of such city at the first elections and by-elections to be held during the years 1901 and 1902 shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

(a.) Are at the date of nomination the assessed owners of land or real property in the city of the value of one thousand dollars over and above any registered encumbrance, and are otherwise qualified to vote at such election; or

(b.) Who are at the date of nomination the sole tenants in possession of land or real property in the city of the value of two thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election; or

(c.) Who are at the date of nomination the members of a partnership firm, or shareholders of a joint-stock company, which is at the said date of nomination the assessed owner of land or real property in the city of the value of one thousand dollars over and above any registered encumbrances, and whose individual interest in said partnership or company land is of not less value than one thousand dollars, and are otherwise qualified to vote at such election:

Qualifications
for Aldermen.

5. The persons qualified to be nominated for and elected as Aldermen of such city at the first election, and at all elections and by-elections to be held during the years 1901 and 1902, shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

- (a.) Are at the date of nomination the assessed owners of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and are otherwise qualified to vote at such election; or
- (b.) Who are at the date of nomination the sole tenants in possession of land or real property in the city of the value of one thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election; or
- (c.) Who are at the date of nomination the members of a partnership firm, or shareholders of a joint-stock company, which is at the said date of nomination the assessed owner of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and whose individual interest in said partnership or company land is of not less value than five hundred dollars, and are otherwise qualified to vote at such election.

Mode of election
until city divided
into wards.

6. Until the said municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city.

First Mayor and
Aldermen to hold
office till successors
elected.

7. The Mayor and Aldermen elected at the first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified.

Voters at all elec-
tions held in 1901.

8. The persons qualified to vote for Mayor and Aldermen at the first election, and at all elections and by-elections to be held during the year 1901, shall be all persons who are male British subjects of the full age of twenty-one years, and have resided in the limits of the city for three months next preceding the date of such election, and—

- (a.) Who are the assessed owners of lands or real property situate within the municipality; or
- (b.) Who are the tenants in possession of lands or real property situate within the municipality, paying therefor a rental having a monthly value of at least five dollars,—

and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election.

Voters' lists.

9. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all

persons qualified, under section 8 of this Act, who make application to him as aforesaid to have their names placed on such list, and such list shall be the list of the electors for such elections.

10. Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorized to administer oaths, setting forth his name, address, occupation, and qualifications under this Act. Declaration of voter.

11. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the municipality in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond the limits of the said municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid. Sewage.

12. A special meeting of the Board of Licence Commissioners for the said city may, if desired, be held, at a time to be fixed by the Mayor, not less than one month or more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 180 of chapter 144 of the Revised Statutes of British Columbia may be had and exercised. Board of Licence Commissioners, special meeting of.

13. It shall be lawful for the Council to levy and collect a road-tax for the whole of the year 1901 in the same manner and to the same extent as if the corporation had existed from the first day of January, 1901. Road-tax.

14. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality a portion of the real-estate tax assessed upon property within the municipality for the year 1901, when collected; such proportion to be calculated from the date upon which this Act comes into force. Payment to municipality of real-estate taxes for 1901.

15. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality the amount leviable, when collected, of all fees for liquor and other licences issued for hotels and other purposes within the incorporated area after the first day of January, 1901; such proportion to be calculated from the date upon which the Act comes into force. Payment to municipality of licence fees.

16. All licences, with the exception of liquor licences, heretofore issued within the city limits shall be valid until the expiration of the period named in the same, and upon expiry the reissue shall be regulated by the statutory provisions governing the city. Licences (other than liquor).

Liquor licences.

17. All liquor licences heretofore issued within the city limits shall be valid until the expiration of the period named in the same, and upon expiry the Board of Licensing Commissioners for the said city shall have power to reissue the same to holders of liquor licences under the "Liquor Licence Act, 1900," who have not been convicted of any infraction against the said Act since the date of said licences, upon application of any of the said holders, in writing, without any further formality being required of such holders:

Provided that all applications for the reissue of liquor licences after the first application shall be governed by the statutory provisions governing the reissue of liquor licences granted by city corporations.

Costs of
incorporation.

18. The Council may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about procuring the incorporation of the said city as they may deem proper.

Application
of "Municipal
Elections Act,"
"Municipalities
Incorporation Act,"
and "Municipal
Clauses Act."

19. All the provisions of chapters 68, 143, and 144 of the Revised Statutes of British Columbia, and amendments thereto, shall apply to the said municipality, except when the provisions of such Acts are repugnant to the provisions of this Act.

Borrowing-powers.

20. The Council may, during its first term, but not afterwards, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts, on the rateable lands or improvements, either or both, or the rateable real property of the municipality, for any works of immediate necessity which are within the jurisdiction of the Council; such debts, however, not to exceed in the whole the sum of fifteen thousand dollars.

Council to consist
of a Mayor and
six Aldermen.

21. The Council of said city shall consist of a Mayor and six Aldermen.

SCHEDULE.

All the following parcel or tract of land situate, lying, and being in the District of West Kootenay, in the Province of British Columbia, and more particularly known, described, and numbered as Lot 292, Group 1, upon the official map of the said district, containing 196 acres, more or less.

CHAPTER 51.

An Act to authorize Grants of Land to British Columbia
Volunteers serving in the South African War.

[11th May, 1901.]

WHEREAS it is just and expedient that the services of volunteers Preamble.
from British Columbia who are serving, or who have served,
actively in South Africa should be recognized in some manner, in
addition to pay and allowances under the various Acts and regula-
tions therefor:

And whereas it is also expedient that such recognition should take
the form of grants of land to be made in such manner as will be
conducive to the actual settlement of the public lands of British
Columbia:

Therefore, His Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts as
follows:—

1. This Act may be cited as the “South African War Land Grant Short title.
Act, 1901.”

2. In this Act the expression “volunteer” shall include— Interpretation.

(a.) Every officer, non-commissioned officer, and man of the
Second Battalion, Royal Canadian Regiment, the Canadian
Mounted Rifles, the Royal Canadian Field Artillery, and
the Strathcona Horse, enlisted in British Columbia, who
was at the time of enlistment a resident of British
Columbia, and who was or is actively engaged in military
operations in South Africa:

(b.) All British Columbians who served with the British forces
in South Africa who were not members of the above corps
organized in Canada:

(c.) Every person, resident in British Columbia, who was regu-
larly appointed to the medical staff, and actively engaged
in the said military operations:

(d.) Nurses and hospital dressers and orderlies, resident in
British Columbia, so actively engaged:

(e.) Persons who are the next of kin of any volunteer who may
be since deceased.

3. The Lieutenant-Governor in Council is hereby authorized to Authority to make
grant to each volunteer, his heirs and assigns, a free homestead of grant.
not exceeding one hundred and sixty acres of any unoccupied,
unclaimed, and unreserved Crown lands, or small holdings, to be
selected from any lands set aside by the Government for the purpose

of small holdings, subject to the consent of the Chief Commissioner of Lands and Works, within the Province of British Columbia, and any district or districts thereof as may be designated, upon such volunteer furnishing evidence satisfactory to the Chief Commissioner of Lands and Works that he is a member of one of the classes of persons designated in section 2 of this Act, and subject to the condition that such lands shall have been selected by the grantee on or before the first day of July, A.D. 1903: Provided that each volunteer shall be at liberty to appoint a substitute to locate and receive such grant; such substitution to take effect upon proper evidence thereof being deposited in the office of the Chief Commissioner of Lands and Works.

Fees not to be charged.

4. The grants to be issued under section 3 of this Act shall not be subject to any charges or fees, anything in any Act to the contrary notwithstanding:

(a.) In case any volunteer has located, by pre-emption or otherwise, lands prior to the passing of this Act, and which said lands have not yet been paid for, he shall have the right, at his option, to accept a grant of one hundred and sixty acres of land as provided by section 3 of this Act, or to accept in lieu thereof a rebate from payment of these said lands to the extent of one hundred and sixty dollars.

Exemption from taxation.

5. Lands selected under this Act shall be exempt from all Provincial and municipal taxes (except for school purposes) for a period of five years from the date of such location; provided that the lands are held by the original locatee or his heirs, executors, or administrators; but upon the transfer of such lands to any other person such exemption shall cease, and such lands shall become subject to any Act or regulations then in force, respecting Provincial and municipal taxes, in the same manner as if the said lands had been located and sold at the date of the said transfer under the provisions of the "Land Act" and any regulations made therein.

Reservations from grants.

6. Every location or grant of land under this Act shall be subject to such reservations, rents, and royalties in respect to timber, mines, and minerals and to the same intent as other public lands located under the "Land Act."

Exemption of lands from execution.

7. Lands located under this Act shall not be subject to any writ, or order of attachment, or execution heretofore or hereafter issued in any action or other proceedings against any person entitled to be located under this Act, nor shall the proceedings of any sale or assignment of such lands, or of the rights of any said person therein, be subjected to any writ, or order of attachment, or execution or garnishee summons issued in respect to any debt heretofore or hereafter contracted by any such person.

St. Paul's Church Relief11th May, 1901.

CHAPTER 57.

An Act to accelerate the Incorporation of the City of Trail.

[11th May, 1901.]

WHEREAS the residents of Trail, in the District of West Kootenay, are desirous of securing immediate incorporation, but are prevented therefrom by the provisions of the "Municipalities Incorporation Act," which necessitate, amongst other requirements, notices and petitions:

And whereas the exigencies of the case justify a departure from the general statutory conditions:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Trail Incorporation Act, 1901."
2. It shall be lawful for the Lientenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of chapter 143 of the Revised Statutes of British Columbia, as enacted by section 2 of chapter 55 of the Statutes of 1899, by Letters Patent under the Public Seal, to incorporate under the said Act into a city the tract of land set out in the Schedule hereto; and such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of the said chapter 143 of the Revised Statutes of British Columbia, save and except as provided in the following sections of this Act, which shall apply to such municipality.
3. The letters patent incorporating such city corporation shall, in addition to specifying and providing for all matters referred to in section 4 of chapter 143 of the Revised Statutes of British Columbia, specify and provide for the matters referred to in sections 4 and 5 of this Act.
4. The persons qualified to be nominated for and elected Mayor of such city at the first elections and by-elections to be held during the years 1901 and 1902 shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—
- Preamble.
- Incorporation of the City of Trail.
- What letters patent shall specify.
- Qualification for Mayor.

- (a.) Are at the date of nomination the assessed owners of land or real property in the city of the value of one thousand dollars over and above any registered encumbrance, and are otherwise qualified to vote at such election; or
- (b.) Who are at the date of nomination the sole tenants in possession of land or real property in the city of the value of two thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election; or
- (c.) Who are at the date of nomination the members of a partnership firm, or shareholders of a joint-stock company, which is at the said date of nomination the assessed owner of land or real property in the city of the value of one thousand dollars over and above any registered encumbrances, and whose individual interest in said partnership or company land is of not less value than one thousand dollars, and are otherwise qualified to vote at such election.

Qualifications
for Aldermen.

5. The persons qualified to be nominated for and elected as Aldermen of such city at the first election, and at all elections and by-elections to be held during the years 1901 and 1902, shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and—

- (a.) Are at the date of nomination the assessed owners of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and are otherwise qualified to vote at such election; or
- (b.) Who are at the date of nomination the sole tenants in possession of land or real property in the city of the value of one thousand dollars under lease in writing for not less than one year, and are otherwise qualified to vote at such election; or
- (c.) Who are at the date of nomination the members of a partnership firm, or shareholders of a joint-stock company, which is at the said date of nomination the assessed owner of land or real property in the city of the value of five hundred dollars over and above any registered encumbrances, and whose individual interest in said partnership or company land is of not less value than five hundred dollars, and are otherwise qualified to vote at such election.

Mode of election
until city divided
into wards.

6. Until the said municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city.

First Mayor and
Aldermen to hold
office till successors
elected.

7. The Mayor and Aldermen elected at the first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified.

8. The persons qualified to vote for Mayor and Aldermen at the first election, and at all elections and by-elections to be held during the year 1901, shall be all persons who are male British subjects of the full age of twenty-one years, and have resided in the limits of the city for three months next preceding the date of such election, and—

(a.) Who are the assessed owners of lands or real property situate within the municipality; or

(b.) Who are the tenants in possession of lands or real property situate within the municipality, paying therefor a rental having a monthly value of at least five dollars,—

and who shall, before the day of such election, have applied to the Returning Officer and have had their names placed on the list of electors for such election.

9. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons qualified, under section 8 of this Act, who make application to him as aforesaid to have their names placed on such list, and such list shall be the list of the electors for such elections.

10. Before the name of any person shall be placed on the list, he shall make and sign a declaration in writing, before some person authorized to administer oaths, setting forth his name, address, occupation, and qualifications under this Act.

11. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the municipality in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond the limits of the said municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid.

12. A special meeting of the Board of Licence Commissioners for the said city may, if desired, be held, at a time to be fixed by the Mayor, not less than one month or more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 180 of chapter 144 of the Revised Statutes of British Columbia may be had and exercised.

13. It shall be lawful for the Council to levy and collect a road-tax for the whole of the year 1901 in the same manner and to the same extent as if the corporation had existed from the first day of January, 1901.

14. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality a portion of the real-estate

Voters at all elections held in 1901.

Voters' lists.

Declaration of voter.

Sewage.

Board of Licence Commissioners, special meeting of.

Road-tax.

Payment to municipality of real-estate taxes for 1901.

tax assessed upon property within the municipality for the year 1901, when collected; such proportion to be calculated from the date upon which this Act comes into force.

Payment to municipality of licence fees.

15. It shall be lawful for the Lieutenant-Governor in Council to pay to the Treasurer of the municipality the amount leviable, when collected, of all fees for liquor and other licences issued for hotels and other purposes within the incorporated area after the first day of January, 1901; such proportion to be calculated from the date upon which the Act comes into force.

Licences (other than liquor).

16. All licences, with the exception of liquor licences, heretofore issued within the city limits shall be valid until the expiration of the period named in the same, and upon expiry the reissue shall be regulated by the statutory provisions governing the city.

Liquor licences.

17. All liquor licences heretofore issued within the city limits shall be valid until the expiration of the period named in the same, and upon the expiry the Board of Licensing Commissioners for the said city shall have power to reissue the same to holders of liquor licences under the "Liquor Licence Act, 1900," who have not been convicted of any infraction against the said Act since the date of said licences, upon application of any of the said holders, in writing, without any further formality being required of such holders:

Provided that all applications for the reissue of liquor licences after the first application shall be governed by the statutory provisions governing the reissue of liquor licences granted by the city corporations.

Costs of incorporation.

18. The Council may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about procuring the incorporation of the said city as they may deem proper.

Application of "Municipal Elections Act," "Municipalities Incorporation Act," and "Municipal Clauses Act."

19. All the provisions of chapters 68, 143, and 144 of the Revised Statutes of British Columbia, and amendments thereto, shall apply to the said municipality, except when the provisions of such Acts are repugnant to the provisions of this Act.

Borrowing-powers.

20. The Council may, during its first term, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for the payment of such debts, on the rateable lands or improvements, either or both, on the rateable real property of the municipality, for any works of immediate necessity which are within the jurisdiction of the Council; such debts, however, not to exceed in the whole the sum of fifteen thousand dollars.

Council to consist of a Mayor and six Aldermen.

21. The Council of said city shall consist of a Mayor and six Aldermen.

SCHEDULE.

Beginning at a point on the north side of Lot 230, Group 1, West Kootenay, 439.9 feet east of the north-west corner of said Lot 230; thence due west, following the north side of said Lot 230, 439.9 feet to the north-west corner of said Lot 230; thence due west, following the south boundary of Lot 367, Group 1, one-half mile to a point; thence due south one mile, more or less, to a point in the south side, produced, of the aforesaid Lot 230, which point is one-half mile due west of the south-west corner of said Lot 230; thence due east one-half mile to the south-west corner of said Lot 230; thence due east three-quarters of a mile, more or less, following the south side of said Lot 230 to the south-east corner of said Lot 230; thence due east along the production of the south side of said Lot 230 one-quarter of a mile to a point; thence due north 1,710 feet, more or less, to the high-water mark of the south bank of the Columbia River; thence north-westerly, following the high-water mark of the south and west bank of the Columbia River, 4,500 feet, more or less, to the north side, produced in a north-easterly direction, of Block 18, in the subdivision of Trail, as shown on the map or plan of same deposited at the Land Registry Office at Victoria, numbered 465A; thence S. 53° W. 595 feet, more or less, following the north-west sides of Blocks 18 and 19, as shown on the aforesaid map, to the intersection of the south-west side of the alley in Block 19 and the before described north-west side of Block 19; thence S. 37° E. 75 feet, more or less, following the south-west side of the alley in Block 19 aforesaid to its intersection with the north-west side of Lots 8, 9, 10, and 11 in said Block 19; thence S. 53° W., following the north-west side, and north-west side produced, of said lots, 175 feet, more or less, to the west corner of Cedar Avenue, as shown on said plan 465A; thence S. 37° E., following the south-west side of said Cedar Avenue, 310 feet, to its intersection with the north-west side of the alley on the north of Block 22, as shown on said plan 465A; thence S. 53° W. 395 feet, more or less, following the north-west side of the aforesaid alley to its intersection with the north-east side of the alley running north-westerly in Block 23, as shown on said plan 465A; thence N. 37° W. 210 feet, more or less, following the said north-east side of alley to its intersection with the north-west side of Nelson Street, in said subdivision of Trail, as shown on said plan 465A; thence N. 49° 30' W. 232 feet; thence S. 55° 25' W. 200.9 feet; thence N. 47° 20' W. 470 feet, more or less, to a point due south of and 1,785.9 feet from the place of beginning; thence due north to the place of beginning; containing an area of 665 acres, more or less.

Upper Columbia New Tram Subsidy11th May, 1901.

CHAPTER 61.

An Act to authorize a Grant to the Corporation of the City of Victoria of certain Crown Lands situate in Victoria Harbour.

[11th May, 1901.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Authority to grant James Bay Mud Flats and foreshore to City of Victoria.

1. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Victoria—

(a.) All the estate, right, title, and interest of His Majesty the King, in right of the Province of British Columbia, in the foreshore of James Bay in the Harbour of Victoria, and in the land aforesaid, and now from time to time, covered by the waters of the said bay, and the land from the extreme end of the said bay and on the shores of the said bay now covered by mud and refuse, heretofore known as the Mud Flats in James Bay, Victoria Harbour (save and except such portion thereof, if any, as is within the provisions of the Statute of British Columbia, chapter 45 of 1892), and all of which land is shown and coloured pink upon the map signed by the Honourable Wilmer Cleveland Wells, Chief Commissioner of Lands and Works, and by Charles Hayward, Mayor of the said City of Victoria, and filed in the Department of Lands and Works at Victoria the twenty-sixth day of April, 1901.

There may be one or more grants.

2. The said grant may be by one or more grants and may be of the whole of the said land referred to in the previous section or of such portion thereof as to the Lieutenant-Governor in Council may seem just.

CHAPTER 62.

An Act to validate By-law 314 of the City of Victoria,
passed on the 19th Day of March, 1900.

[11th May, 1901.]

WHEREAS doubts have arisen as to the validity of a certain Preamble.
by-law of the Council of the Corporation of the said City of
Victoria passed on the nineteenth day of March, 1900, and numbered
314, entitled the "Point Ellice Bridge Accident By-law," and as to
whether debentures which have been issued under the authority of
such by-law are binding upon the said Corporation of the City of
Victoria, and the said Council of the said Corporation of the City
of Victoria are desirous of setting such doubts at rest:

Therefore, His Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of British Columbia, enacts
as follows:—

1. This Act may be cited as the "City of Victoria Relief Act, Short title.
1901."

2. Notwithstanding anything to the contrary contained in the Validation of
"Municipal Clauses Act," and notwithstanding the absence of statu- By-law 314 of the
tory power in that behalf them thereunto enabling, the said recited City of Victoria.
By-law No. 314 of the Council of the Corporation of the City of
Victoria, passed on the nineteenth day of March, 1900, is hereby
declared to have been duly passed and to be and shall be absolutely
valid and binding upon the Corporation of the City of Victoria
according to the terms thereof, and shall not be quashed or set aside
or declared to be invalid on any ground whatever; and the Council
of the said city is hereby empowered to carry out and give full
force and effect to all and every the provisions, agreements, stipula-
tions, and conditions in the said by-law contained, and which are
or ought according to the terms of such by-law on its part to be
performed and observed.

3. The debentures created and issued and to be issued under the Validation of
said By-law No. 314 of the Council of the City of Victoria are hereby debentures issued
declared to be valid and binding upon the Corporation of the said under said by-law.
City of Victoria according to the tenor and effect of the same.

Arrowhead and Kootenay Railway Company Act (Amendment)	11th May, 1901.
British Columbia Mining Association	11th May, 1901.
British Columbia Plate Glass Insurance Company ..	11th May, 1901.
Chilkat and Klehini Railway and Navigation Com- pany	11th May, 1901.
Coast-Kootenay Railway Company	11th May, 1901.
Columbia and Western Railway Company (Amend- ment)	11th May, 1901.
Comox and Cape Scott Railway Company	11th May, 1901.
Crawford Bay Railway Company	11th May, 1901.
Crow's Nest Southern Railway Company	25th April, 1901.
District Power and Telephone Company	11th May, 1901.
Granby Consolidated Mining, Smelting, and Power Company	11th May, 1901.
Grand Forks Local Improvement	11th May, 1901.
Imperial Pacific Railway Company	11th May, 1901.
Kamloops and Atlin Railway Company	11th May, 1901.
Kootenay Central Railway Company	11th May, 1901.
Lake Bennett Railway	11th May, 1901.
Midway and Vernon Railway Company	11th May, 1901.
Presbyterian Church in Canada	11th May, 1901.
Queen Charlotte Islands Railway Company	11th May, 1901.
Vancouver and Grand Forks Railway Company	11th May, 1901.
Victoria Terminal Railway and Ferry Company	11th May, 1901.
Victoria Terminal Railway By-law	11th May, 1901.
Yale-Northern Railway Company	11th May, 1901.

CHAPTER 9.

An Act to aid the Construction of a Railway from Vancouver to Midway.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Coast-Kootenay Railway Aid Act, 1902."

Aid to Coast-
Kootenay Railway.

2. The Lieutenant-Governor in Council is hereby authorized to aid the construction of a railway from the City of Vancouver and from the City of Victoria to Midway by a grant to the Vancouver and Coast-Kootenay Railway Company, or any other railway company.

of four thousand five hundred dollars for each mile of railway (not exceeding three hundred and thirty miles) constructed between the City of Vancouver and the City of Victoria and Midway, as hereinafter set out, the said aid to be paid in cash or debentures or inscribed stock of the Province as the Lieutenant-Governor in Council may elect, which the Lieutenant-Governor in Council is hereby empowered to give or to issue, which shall be accepted at par value, shall bear interest at three per cent. per annum, payable half-yearly, and the principal thereof shall be payable in fifty years from the date of issue.

3. It shall be lawful for the Lieutenant-Governor in Council to incorporate any person, firm, or company a railway company, with all the powers mentioned or referred to in the Model Railway Bill, to construct, maintain, and operate the railway the route of which is set out in the next following section.

Incorporation
of Company.

4. The Lieutenant-Governor in Council may enter into any agreement with the Vancouver and Coast-Kootenay Railway Company, or with any other railway company, for the construction of a railway from the City of Vancouver and from the City of Victoria to Midway. The said agreement, in addition to other matters therein provided for, shall contain the following provisions:—

Agreement
with Company.

- (a.) The Company covenant with the Government to lay out, Route.
construct, equip, fully complete, maintain, and operate for ever, or cause to be laid out, constructed, equipped, fully completed, maintained, and operated for ever, a line of railway, with all proper terminal facilities, from the City of Vancouver, with terminus at tide-water at such point; thence eastward via New Westminster and the railway bridge at New Westminster now being constructed; thence south of the Fraser River via Chilliwack, having a station within one mile of Chilliwack Court-house; thence by the most feasible route through the Province of British Columbia to a point at or near Midway, in the Boundary Creek District, and from a point on the main line of the railway south of the Fraser River; thence westerly through the Municipalities of Surrey and Delta to a point at or near the mouth of the Fraser River, and connecting by suitable ferry with Vancouver Island, so as to give direct and speedy communication with the City of Victoria, which said railway, when fully made and completed as aforesaid, shall be a standard-gauge railway, and up to the general standard of like gauge transcontinental railways as originally constructed, and shall be the property of the Company. And the Company also covenants with the Government to construct, operate, and maintain or otherwise provide a suitable car-ferry, propelled by steam, between the terminus

of the said railway at the most convenient point on the Mainland of British Columbia and the most convenient point on Vancouver Island, at Schwartz Bay, or to the most convenient point, so as to afford the most direct feasible route between the said terminus and the City of Victoria; and to lay out, construct, equip, fully complete, and maintain or otherwise provide, or cause to be laid out, constructed, equipped, fully completed, and maintained or otherwise provided, a railway from the terminus of the ferry on Vancouver Island, as above mentioned, to the City of Victoria:

Commencement and
prosecution of work.

- (b.) The Company shall commence work on said railway within three months after a subsidy, satisfactory to the Company, shall have been granted by the Parliament and Government of Canada in aid of the construction of the railway, and shall duly and diligently prosecute the same until completed to the satisfaction of the Lieutenant-Governor in Council; but nothing herein contained shall be construed to prevent the Company from beginning the work of construction before such subsidy shall have been granted, on giving the security hereinafter specified:

Security.

- (c.) The Company shall, before the commencement of the said work, give security for the due performance of the work herein provided for in the sum of one hundred thousand dollars, not as a penalty, but as liquidated and ascertained damages due to His Majesty, in right of the Province of British Columbia, in case of default, conditioned that the railway shall be completed within the time hereinafter fixed therefor; and upon completion of the railway the said security shall be returned to the Company or their nominees, and in the event of the security before mentioned being deposited by the Company in cash, the Government will allow to the Company, for such time as the money security shall remain in the hands of the Government interest at the rate of three per centum per annum: Provided, however, that if the said security is not given on or before the first of September, 1903, this Agreement shall become null and void:

Subsidy.

- (d.) To aid the Company in the construction of such railway, save and except that portion thereof from Vancouver to New Westminster, and also for any portion of the railway on Vancouver Island, the Government will grant and pay to the Company for each mile of said railway, save as aforesaid (not exceeding three hundred and thirty miles), the following sums, namely:—

Four thousand five hundred dollars in cash or debentures or inscribed stock of the Province, as the Lieutenant-

Governor in Council may elect, which shall be accepted by the Company at par value. The said debentures or inscribed stock shall bear interest at three per cent. per annum, payable half-yearly, and the principal of said debentures shall be payable in fifty years from their date of issue:

- (e.) The said subsidy shall be payable to the Company when Payment of subsidy. and from time to time as each ten miles of said railway (or, in the case of the last section, the fraction of ten miles, if such it be) have been built, of the standard and in accordance with the terms of this Agreement, and a certificate therefor has been given by the engineer of the Government: Provided, however, that no portion of said grant for the construction of the sections of said railway other than the mountain sections shall be paid unless and until the Company shall have constructed an equal extent of the mountain sections of said railway (unless the whole of the mountain sections shall have been sooner constructed), extending from a point on the west side of the mountains at or near or south of Hope to a point at or near Princeton, and a certificate therefor shall have been given by the engineer of the Government: Provided further that the line of railway shall throughout its whole length be constructed in the Province of British Columbia:
- (f.) The Government shall grant to the Company a right-of-way Right-of-way. through Crown lands, not exceeding two hundred feet in width, along the line of railway, and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto. The Crown lands mentioned in this section shall be limited to such quantity as the Lieutenant-Governor in Council shall consider reasonable and necessary for the purposes of the Company. The said lands shall be granted subject to the provision or condition contained in paragraph (j) of this Agreement: Provided, however, that a failure to carry out or obey such provision or condition shall not be enforced against said lands, except by proceedings in Court, during which an opportunity shall be given to the Company to comply with such provision or condition:
- (g.) The Company's railways and branches and extensions in Taxation. British Columbia, and equipment and stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required or used for the construction, equipment, and working thereof, and all personal property owned or possessed by the Company, and the capital stock and revenues of the Company, shall

be free from Provincial and municipal taxation until the lapse of ten years from the completion of the railway hereby contracted to be built; and in lieu of all Provincial taxation after the said ten years the Company shall pay to the Government each year two per cent. of the gross earnings of said railway and branches and extensions, and the same shall be a first charge on said gross earnings after the payment of maintenance and working expenses of the railway, and the Government shall have the same rights and remedies for collection as for the collection of taxes in the ordinary manner. Should any question arise between the Government and the Company as to the amount of gross earnings, the Government shall have access at reasonable times to the books of the Company to verify the correctness of all statements of gross earnings submitted by it. The Government may, however, at any time after the payment of said two per cent. on gross earnings comes into operation, cancel the same and bring the said railway under the operation of the general law of the Province governing the taxation of railways, and in which case the Company will be relieved for the future of the payment of said two per cent. on gross earnings, and the said road will be subject to taxation:

Repayment of
moneys expended
by Government on
surveys.

- (h.) The amount expended by the Government on surveys in connection with this line of railway will be refunded by the Company, and may be deducted from any subsidy payable under this Agreement, if the Company uses any of the passes covered by the said surveys:

Commencement and
completion of work.

- (i.) The said line of railway shall be commenced and completed by the Company within the time following, namely: Within three months after the Parliament and Government of Canada have granted to the Company aid satisfactory to the Company for the construction of said railway the construction thereof shall be commenced, and the railway shall be completed within four years thereafter:

Freight and
passenger rates.

- (j.) The Lieutenant-Governor in Council shall have the right, by Order in Council, to fix the maximum freight and passenger rates to be charged by the Company:

Rate of wages.

- (k.) The subsidy under this Agreement shall be subject to the conditions that the workmen, labourers, or servants employed in or about the construction and operation of the railway in aid of which such subsidy is granted shall be paid such rate of wages as may be currently payable to workmen, labourers, and workmen engaged in similar occupations in the district in which such railway is constructed and operated, and upon breach of such condition by the Company there may be deducted and retained from

any moneys payable in respect of such unearned subsidy such amount as the Lieutenant-Governor in Council may think proper, and in case the subsidy shall have been paid before such breach, such part thereof as may be determined by Order in Council may be recovered back from the Company, with full costs of action, at the suit of the Attorney-General of the Province in any Court of competent jurisdiction. The workmen, labourers, or servants employed in or about the construction of the said railway, and each of them, shall be charged fair and reasonable prices for any board, provisions, clothing, and other necessities of life and reasonable comfort supplied by the Company, their agents, or any person or persons authorized by the said Company to supply such goods and accommodation, and upon the breach of any of the provisions of this section, or in the event of exorbitant charges being made by the Railway Company, their agents, or other person or persons authorized by the Railway Company, there may be deducted and retained from moneys payable in respect of such unearned subsidy, or hereafter to be granted subsidy, such amount as the Lieutenant-Governor in Council may think proper:

- (l.) The Government shall be entitled to retain the subsidy on each section when the same becomes due, until the Company produce satisfactory evidence that the wages of all workmen employed on said section have been paid: Payment of wages.
- (m.) Whenever in this Agreement the Government or the Company is mentioned or referred to, such mention or reference shall extend to and include and be binding upon the successors of the Government and the successors and assigns of the Company, as the case may be: Interpretation.
- (n.) Notwithstanding anything contained in this Agreement, if the said Company have not begun the construction of said railway on or before the first day of September, 1903, and do not diligently prosecute the work of building the line to the satisfaction of the Lieutenant-Governor in Council, this Agreement shall become null and void: Work must be commenced before 1st September, 1903, or Agreement void.
- (o.) The head office of the Company shall be in the City of Vancouver, in the Province of British Columbia: Head office.
- (p.) The plans and profiles of the road proposed to be constructed under the provisions of this Act shall be subject to the approval of the Lieutenant-Governor in Council: Approval of plans and profiles.
- (q.) The Company shall not, nor shall any branch lines thereof or any lines of railway leased by the Company, or under its control, be at any time amalgamated with the Canadian Pacific Railway, or any of its branch lines, or with any branch lines leased by the Canadian Pacific or under its Amalgamation with Canadian Pacific Railway Company forbidden.

control. Any such attempted amalgamation, with any arrangement for making a common fund or pooling the earnings or receipts of the said two companies' railways, or any of their branch lines, or any railway-lines or parts thereof leased by the said companies, or either of them, shall be absolutely void. This provision, however, shall not extend to traffic or running arrangements made with the assent of the Governor-General in Council or Lieutenant-Governor in Council:

Running-powers
and traffic
arrangements.

- (r.) The subsidy granted under this Agreement and the receipt thereof shall be subject to the condition that the Lieutenant-Governor in Council may at all times provide and secure to other companies such running-powers, traffic arrangements, and other rights as will afford to all railways connecting therewith reasonable and proper facilities in exercising such running-powers, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways:

Production of
books, etc.

- (s.) The Company shall, when required, produce and exhibit to the Minister of Finance, or any person appointed by him, all books, accounts, and vouchers showing the cost of constructing the railway, the cost of operating it, and the earnings thereof.

Preference to
competitive railroad.

5. In granting the subsidy mentioned in section 2 of this Act, preference shall be given to a competitive railroad.

CHAPTER 19.

1898, c. 17.

An Act to amend the "Public Dyking Act, 1898."

[22nd April, 1902.]

Preamble.

WHEREAS, by section 3 of chapter 23 of the Statutes of 1899, section 23 of chapter 17 of the Statutes of 1898 was amended by increasing the amount for Chilliwack Dyke from one hundred and thirty-one thousand dollars to one hundred and fifty-five thousand dollars:

And whereas it has been ascertained that an additional amount is required to complete the works in an efficient and proper manner and to immediately protect the bank of the Fraser River at two points from further encroachment of the river, the said encroachments imperilling the safety of the dyke and adjacent lands and other properties of the occupiers and other owners of the land:

And whereas it is expedient to confirm and legalize the expenditures up to this time and further expenditures up to the amount hereinafter mentioned :

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

1. This Act may be cited as the "Public Dyking Act (1898) Amendment Act, 1902." Short title.

2. Section 23 of said chapter 17 of the Statutes of 1898 and section 3 of chapter 23 of the Statutes of 1899 are hereby amended by increasing the amount for Chilliwack Dyke to a total of two hundred and sixty-five thousand dollars. Amends 1898, c. 17, s. 23, and 1899, c. 23, s. 3.
Amount for Chilliwack Dyke increased to \$265,000.

CHAPTER 24.

An Act to confirm an Agreement between the Crown and the Crow's Nest Pass Coal Company, Limited, respecting certain Lots in the Townsite of Fernie.

[21st June, 1902.]

WHEREAS a Crown grant, dated eighteenth August, 1899, of Preamble.
Lot 4588, Group 1, Kootenay District, was issued to the British Columbia Southern Railway Company, wherein it was provided that, in the event of any of the lands thereby granted being divided into town lots, one-fourth of all the blocks of lots should be reconveyed to the Crown :

And whereas the Town of Fernie, which is situated within the said Lot 4588, Group 1, has been subdivided into blocks or lots, and one-fourth of said blocks and lots has been selected by the Crown as provided by the "Land Act" :

And whereas a further provision of the "Land Act" requires that the sale of town lots belonging to the Crown shall be by public auction :

And whereas, prior to the date of the selection by the Crown of one-fourth of said blocks and lots, the Crow's Nest Pass Coal Company, Limited, had become the owner of said Townsite of Fernie, and had sold a great number of lots, many of which were included within the Crown's share of the property and embraced the most valuable and improved portion of the townsite, thus rendering a sale of Crown lots by auction impracticable :

And whereas, to avoid complication, an arrangement has been made between the Crown and the Crow's Nest Pass Coal Company,

Limited, that the latter should purchase the Crown's interest in that portion of the townsite which has been subdivided for the sum of fifteen thousand eight hundred dollars, and should convey Block 12 (school-site), Block 28 (reserve), and Lots 4 and 5, Block 11 (gaol-site), to the Crown:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Ferne Townsite Confirmation Act, 1902."

Confirmation
of agreement.

2. The above-recited agreement between the Crown and the Crown's Nest Pass Coal Company, Limited, is hereby ratified and confirmed, and the Lieutenant-Governor in Council is hereby empowered to grant and quit-claim to said Company, its successors or assigns, for the consideration mentioned in said agreement, the blocks and lots in the already subdivided portion of said Townsite of Fernie, of which the Crown is entitled to receive a reconveyance from said Company under the provisions of section 32 of the "Land Act," according to a plan filed at the Lands and Works Office, Victoria, and numbered "37, T. 1."

CHAPTER 25.

An Act to amend the "Ferne Townsite Confirmation Act, 1902."

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Ferne Townsite Confirmation Act, 1902, Amendment Act, 1902."

Amends s. 2.

2. Section 2 of said Act is hereby amended by striking out the words "filed at the Lands and Works Office, Victoria, and numbered 37, T. 1," in the ninth and tenth lines, and substituting therefor the words "deposited in the Land Registry Office at the City of Nelson on the twenty-sixth day of May, A.D. 1902, and numbered 734."

CHAPTER 29.

An Act to amalgamate the Cities of Grand Forks and Columbia.

[22nd April, 1902.]

WHEREAS the Municipal Councils of the Corporations of the Cities of Grand Forks and Columbia have petitioned with the approval of the electors of the said cities, for the amalgamation and incorporation of the said cities as one city municipality, upon the terms set out in this Act and in the Schedule hereto marked "A," forming part of a resolution passed by the respective Councils of said cities:

And whereas it is expedient to grant the prayer of said petitions:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Grand Forks and Columbia Amalgamation Act, 1902." Short title.

2. In this Act the words "new city" shall mean the Corporation of the City of Grand Forks as incorporated in pursuance hereof. Interpretation.

3. It shall be lawful for the Lieutenant-Governor in Council, forthwith after the passing hereof, by Letters Patent under the Great Seal, to incorporate into a city under the name of "The Corporation of the City of Grand Forks" all the lands now comprised within the corporate limits of the Cities of Columbia and Grand Forks, and, save as hereinafter provided, such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of chapter 143 of the Revised Statutes of British Columbia and amendments thereto, notwithstanding that such formalities have not been observed or are inapplicable. The said letters patent shall fix the first day of January, 1903, as the date of such incorporation. Incorporation.

4. From and after such incorporation the Corporation of the City of Grand Forks as now constituted and the Corporation of the City of Columbia shall cease to be separate municipalities. Merger of present Corporations.

5. The letters patent incorporating such new city shall, in addition to specifying and providing for all matters referred to in section 4 of chapter 143 of the Revised Statutes of British Columbia, specify and provide for the matters referred to in sections 14, 15, 16, 18, and 42 of this Act. Provisions of letters patent.

Powers of new Corporation.

6. All rights and powers held, enjoyed, or exercised by both or either of the said Cities of Columbia and Grand Forks by virtue of the Statutes under which they, or either of them, were incorporated, or by virtue of any other law or Statute, and all rights and powers conferred by law or public Statute now in force upon city municipalities within British Columbia, shall, upon incorporation, be forthwith vested in the new city.

Property to vest in new Corporation.

7. All property, both real and personal, of whatsoever nature and kind, and wheresoever situated, and all deeds, books, rules, records, papers, writings, and other documents, and all other the assets of every kind, of either of the constituent cities at the date of incorporation of the new City of Grand Forks are hereby declared, from and after such date, the property of the new city, and shall be forthwith delivered to such person or persons as the new city may appoint for that purpose.

Liabilities to old Corporations.

8. All existing liabilities, debts, and obligations of any person to the Corporation of the City of Columbia, and all existing liabilities, debts, and obligations of any person to the present Corporation of the City of Grand Forks at the date of such incorporation, shall enure to the benefit of the new city, and shall be read, construed, treated, and dealt with in every respect as if the same had been originally incurred and entered into to and with the new city, and all sureties for the several officials of the City of Columbia and of the present City of Grand Forks, respectively, shall be and remain liable as if they had become sureties for such officials to the new city in the first instance, and all bonds and securities which shall have been given to the City of Columbia or to the present City of Grand Forks at any time shall enure to the benefit of the new city, which shall have all rights and remedies thereto and thereunder and shall be entitled to recover thereon to the same extent and under the like circumstances as the City of Columbia or the present City of Grand Forks could have done had it remained a separate municipality.

Liabilities to old Corporations.

9. Save as herein expressly provided, all liabilities, lawful debts, and obligations of the Corporation of the City of Columbia existing at the date of the incorporation of the new city, and all then existing liabilities, lawful debts, and obligations of the Corporation of the present City of Grand Forks, are hereby declared from the date of such incorporation to be the liabilities, debts, and obligations of the new city, and shall be met, discharged, observed, and kept by the new city according to the nature thereof, as if the same had been originally incurred and entered into by the new city.

Liability of rateable land, etc., of new city for debenture indebtedness of old cities.

10. The rateable land or improvements, either or both, or the rateable real property of the municipality of the new city shall be

subject in respect of the existing general debenture debt of the City of Columbia and of the present City of Grand Forks respectively (being the amount secured upon debentures referred to in Schedule B hereto), and in respect of such debenture debt as may hereafter be lawfully incurred by the City of Columbia in pursuance of by-laws to be passed in accordance with this Act and Schedule A hereto, as hereby amended, to the same liability, and no other, as if the by-laws creating such debenture debt had been originally incurred by the new city under the authority of the "Municipal Clauses Act" and amendments thereto, for raising upon the credit of the new city the sums thereby authorized; and the amounts necessary to be raised under such by-law for sinking fund and interest in each year shall, after incorporation, be raised by a rate sufficient therefor on all rateable land or improvements or real property in the new city.

11. The by-laws of the City of Columbia and of the present City of Grand Forks set out in Schedule B hereto are hereby validated and confirmed, and the debentures issued or purporting to be issued pursuant to the said by-laws or any of them, for the purpose of securing the repayment of the principal sums respectively, with interest, as in the said Schedule set out, are, notwithstanding any defect in the said by-laws or any of them, and notwithstanding any insufficiency in form or otherwise of any such by-law or debenture, or in the authority of the Corporation in respect thereof, and notwithstanding any other matters or things whatsoever, hereby declared to be good, valid, legal, and effectual security, intended to secure and securing to the holders thereof the payment of the interest on the said debentures for the date thereof, and the repayment of the principal sum at maturity of the said debentures, as fully and effectually to all intents and purposes as if the said debentures had been issued in strict conformity with the Statutes in that behalf in force at the time the said debentures purported to be issued as aforesaid.

Confirmation of
certain by-laws.

12. It is hereby declared to have been and to be lawful for the Treasurer of the present City of Columbia, if and when authorized by resolution of the Columbia Council, to deliver the debentures issued under By-law No. 31 of said city or to pay the proceeds of such debentures to the Treasurer of the present City of Grand Forks, to be used for or in connection with the purchase of a site, erection and furnishing of a school, on Block 40, Plan 72, Grand Forks, to be at all times hereafter available (which the said school is hereby declared to be) on equal terms for pupils from both cities.

Application of
debentures issued
under By-law 31
of Columbia.

13. The letters patent to be issued as hereinbefore provided shall appoint Commissioners, not less than three or more than five, upon the nomination of the Council of the City of Columbia, who shall

Public Works
Commissioners.

Powers and duties.

act with such reasonable remuneration as shall be fixed under section 78 of chapter 187 of the Revised Statutes of British Columbia, which is hereby declared applicable thereto, and shall give such security as may be required by the Lieutenant-Governor in Council; and the said Commissioners, or a majority of them, shall, after the incorporation of the new city, for the purpose of and to the extent necessary for carrying into effect within the present limits of the City of Columbia the public works contemplated by paragraphs 2, 2A, 2B, and 2C of Schedule A hereto, and by By-laws Nos. 13, 14, and 17 of the City of Columbia, and such other by-laws as may hereafter be lawfully passed by the Corporation of the City of Columbia in accordance with the provisions of said Schedule as amended hereby, by means of sale, hypothecation, or other disposition of the debentures issued thereunder, and by means of the proceeds thereof, have and exercise all powers, authority, and functions theretofore vested in or exercisable by the Mayor and Council, City Clerk, City Treasurer, and other officers of the City of Columbia, and shall be governed in carrying out said works by the terms of said by-laws and by the provisions of said Schedule as amended: Provided, however, that all authority and functions vested in the said Commissioners shall cease so soon as the said works are fully completed, and a proper report of said Commissioners shall have been accepted by the Lieutenant-Governor in Council.

Forthwith, upon security being given as aforesaid, the said debentures or any of them if unsold, and the unexpended proceeds of them or any of them if sold or hypothecated, shall be delivered or paid to the order of the said Commissioners.

Powers of Commissioners.

14. The said Commissioners shall, after said date, have within the territory of the present City of Grand Forks such powers and authority as are necessary or reasonably convenient for the purpose of carrying out the works within such territory expressly contemplated by the provisions of said Schedule and subject thereto.

Cancellation of appointment of Commissioners.

15. The Lieutenant-Governor in Council may at any time, upon cause assigned, cancel the appointment of any of the said Commissioners, and thereupon, or upon any vacancy occurring by reason of the death, resignation, or refusal to act of any Commissioner, or otherwise, may appoint another in his stead from among the residents within the present limits of Columbia, upon recommendation of the Board of Commissioners, and pending or in default of such appointment the remaining members shall exercise all the powers of the full Board.

Reports by Commissioners.

16. The Commissioners shall make a report to the Minister of Finance or to the Commissioner of Public Works whenever and on such matters as shall be directed by the Lieutenant-Governor in Council.

17. The proper disbursements of the Commissioners in respect of the execution of said works, including cost of giving security and cost of bond and such clerical or other services as they may reasonably procure to be rendered, shall, unless properly chargeable specially against the funds raised under any particular by-law or by-laws, be charged proportionately against all the several funds in their hands or under their control.

Apportionment of disbursements by Commissioners.

18. This Act shall not extend nor be construed to extend to any franchise or privilege granted by either city to any territory other than that to which it applies at this date.

Territorial operation of franchises not extended by this Act.

19. Except as herein otherwise provided, no act, deed, resolution, or by-law of either of the constituent cities, which shall have been done or passed subsequent to the passing of this Act, whereby any public franchise or privilege shall be granted or agreed to be granted, or whereby any liability has been or shall be incurred beyond the municipal revenue for the year current at the time of such passing thereof, shall have any force, validity, or effect unless and until it shall have been ratified by resolution of the Municipal Council of the new city.

Operation of by-laws, etc., of old cities passed subsequent to the passage of this Act.

20. All local improvement by-laws heretofore enacted in either of the said cities shall be deemed, after incorporation of the new city, to create the same liabilities and confer the same rights and remedies, and no other, as if originally enacted by the new city under the local improvement clauses of the "Municipal Clauses Act" and amendments.

Operation of local improvement by-laws of old cities.

21. The Council of the new city shall consist, for the period of two years after incorporation, of a Mayor and six Aldermen; two Aldermen to be elected from each of the wards hereinafter mentioned; and after the expiration of said period the said Council shall be subject, as to number and representation, to the provisions of the "Municipal Clauses Act" and amendments.

Constitution of Council of new city.

22. The qualifications and disqualifications for nomination and election as Mayor and Aldermen respectively at the first election shall be those applicable by virtue of the "Municipal Clauses Act" in respect of elections subsequent to the first election.

Qualifications of Mayor and Aldermen.

23. The new city shall be and is hereby divided into wards as set out and defined in paragraph 11 in Schedule A hereof, and such ward limits shall not be changed, nor shall any new ward or wards be added or formed prior to the expiry of two years after incorporation of the new city, except upon a full five-sixths vote of the whole Council for the time being of the new city.

Wards.

24. New territory may be added to the new city, subject to the requirements of the "Municipalities Incorporation Act," and pur-

New territory may be added to city.

suant to a vote of a majority of the Council, but in such case (unless this restriction be waived by a five-sixths vote of the whole Council for the time being of the new city) it shall be added to and form for all purposes a part of the ward to which said territory is contiguous; and when the said territory is contiguous to more than one ward, the ward division lines A and B in said Schedule described shall be extended without deviation in a straight line from their present terminations, and in the direction in which they run immediately before reaching such termination, so as to put part of such territory in each of such wards.

Voters' list at
first election.

25. The voters' list to be used at the first election shall be prepared by the Returning Officer, who shall place on such list in alphabetical order, and distributed into wards by reference to qualification, the names of all persons whose names shall appear on the then last revised municipal voters' lists for the City of Columbia and for the present City of Grand Forks, together with such other names as shall be ordered to be added to such voters' lists on application made under section 11 of the "Municipal Elections Act," and no others; and the persons whose names appear on such list so prepared shall be the persons entitled to vote at such first election; and such persons shall be so entitled, notwithstanding the non-payment of taxes, rates, and assessments due or payable to the municipality; and such persons, together with such others (if any) as may thereafter be added upon further order made under the said section, shall be the persons entitled to vote at any subsequent election for Mayor and Aldermen, or any of them, prior to the preparation and completion in accordance with the "Municipal Elections Act" of the revised voters' list for the new city.

Preparation of
voters' lists.

26. In distributing into the respective wards of the new city the names appearing on the several voters' lists as aforesaid, the Returning Officer shall have regard to the qualifications in respect of which such names were entered on such voters' lists, and in case no municipal record shall be produced to him in evidence of such qualification sufficient to enable him to determine to which ward any such names should in such manner be assigned, the Returning Officer shall have power to require such evidence by statutory declaration or otherwise, as he may deem proper, to show to which ward or wards such name should so be assigned; and in default of such evidence, after such notice, public or other, as he may deem sufficient, the Returning Officer may refuse or omit to enter such name in any ward except upon order under section 11 of the "Municipal Elections Act," but shall forthwith enter it instead upon a list to be prepared by him of such names, and the persons whose names are so entered shall thereby become entitled to vote for Mayor, but not for Aldermen of said new city.

27. No name shall be entered on the new voters' list more often than it should be found to appear on the two several voters' lists taken together, except upon application made under section 11 of the "Municipal Elections Act."

Preparation of voters' lists.

28. The Returning Officer shall have the right at all times to inspect, and, if he deems it necessary, to demand and receive from any officer or former officer of either of the said cities, and from any other person or persons whatsoever, any books, records, rules, declarations, papers, writings, and other documents of any nature necessary for use in the performance of his duties.

Returning Officer empowered to inspect documents, etc.

29. The Mayor and Aldermen elected at the first election shall hold office until his successor, or a majority of their successors, have been sworn in, unless he or they shall die, or resign, or become disqualified.

Term of office of Mayor and Aldermen elected at first election.

30. The last revised assessment rolls for the City of Columbia and for the present City of Grand Forks at the time of incorporation of the new city shall, taken together and with such rearrangements as to wards as may be found necessary, form and be for all purposes the last revised assessment roll for the new city, until the new roll shall have been revised, confirmed, or passed by the Court of Revision of the new city in pursuance of the "Municipal Clauses Act."

Assessment rolls.

31. After the incorporation of the new city, the Mayor and Aldermen of the constituent cities shall continue to hold office for purely administrative purposes only, and only within the territory of the city for which they were originally elected, until a majority of the members of the Council of the new city shall have been sworn in.

Termination of office of Mayor and Aldermen of old cities.

32. All officers and other regular employees of either of the constituent cities at the date of the incorporation of the new city shall, until otherwise arranged by the Council of the new city, but no longer, continue at the same remuneration as theretofore as officers and employees of the new city, and perform the same duties as they would have performed, and in respect of the same territory as if the two cities had remained separate municipalities.

Officials.

33. The members, at the date of the incorporation of the new city, of the Boards of Licensing and Police Commissioners for either city shall continue in office and exercise all their powers and perform all their duties in respect of the territory for which they were originally appointed until the Board of Licensing Commissioners for the new city shall have been appointed.

Police and Licence Commissioners.

34. All liquor licences and trades licences issued in either city and subsisting at the date of the incorporation of the new city shall

Liquor and trade licences.

remain in force for the period for which they were granted, and the Board of Licensing Commissioners for the new city, when appointed, shall have all powers and duties in respect of such liquor licences and renewals thereof (if any) which the Boards of Licensing Commissioners of Columbia and Grand Forks respectively would have had if the said cities had remained separate municipalities.

By-laws.

35. All by-laws of either of the constituent cities in force at the date of incorporation of the new city shall remain in force in respect of the territory to which at such date they shall be applicable until repealed or altered by the Council of the new city in accordance with the "Municipal Clauses Act."

Expenses of amalgamation.

36. The expenditures heretofore made and liabilities incurred by the Councils of the Cities of Columbia and Grand Forks respectively for advertising, legal expenses, polling and otherwise, in, about, and with a view to the amalgamation of the said cities, are hereby declared to have been lawfully made and incurred, and to be lawfully payable out of ordinary revenue of such city.

Payment of amalgamation expenses.

37. The Council of the new city may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about and with a view to such amalgamation, and in and about procuring the incorporation of the new city, as they may deem proper.

Provisions of cc. 68, 143, and 144, Revised Statutes, to apply to new city.

38. All the provisions of chapters 68, 143, and 144 of the Revised Statutes of British Columbia and amendments thereto shall apply to the municipality of the new city, except when the provisions of such Acts are repugnant to the provisions of this Act.

Ratification of agreement between cities.

39. Except as herein otherwise provided, expressly or by necessary implication, the clauses of the resolution of the respective Councils set out in Schedule A hereto, as amended by this Act, are hereby declared valid and effective as an agreement between the two cities, and binding upon them and upon the new city, and enforceable by either constituent city as against the other, and neither constituent city shall in any way contravene any provision of any of the said clauses, nor shall any of them be revoked, cancelled, or annulled by either city.

Variation of agreement.

40. The provisions of the said resolution, as set out in said Schedule, are varied as follows, and said resolution and agreement are hereby declared to be amended accordingly:—

- (1.) Amalgamation may take place notwithstanding that the debentures of the City of Columbia herein referred to have not been sold or hypothecated, but the Commissioners to be appointed under section 13 hereof shall have power to sell and hypothecate as by said section provided:

- (2.) The general debenture debt of the City of Columbia authorized hereby, and to be assumed by the new city hereunder, is as follows:—

Under By-laws 13, 14, 15, 17, 18, 30, and 31 mentioned in Schedule B, forty-five thousand five hundred dollars (\$45,500):

Under by-law to be passed for increased cost of eight-inch main as in Schedule A provided, such further sum as may be found necessary:

Under further by-laws to be hereafter passed, not exceeding nineteen thousand dollars (\$19,000).

41. Except as in Schedule A expressly otherwise provided, all proceeds of the said debentures are to be expended upon public works and improvements within the limits of the present City of Columbia, in accordance with the by-laws under which they are issued, and under the direction of the Council or the Commissioners.

Expenditure of proceeds of debentures issued by Columbia.

42. After incorporation of the new city there shall be elected a new Board of School Trustees for the new city in accordance with the provisions of the "Public Schools Act" and amending Acts.

Board of Trustees to be elected after incorporation of new city.

43. Notwithstanding the provisions of the "Public Schools Act" and amending Acts, the members of the Boards of School Trustees for the time being of the City of Grand Forks as at present constituted and of the City of Columbia shall hold office only until the election of the new Board of School Trustees of the new city as provided for in the preceding section.

School Trustees of City of Grand Forks to hold office until election of new Board of new city.

SCHEDULE A,

BEING PORTIONS OF THE RESOLUTION REFERRED TO IN THIS ACT.

2. As a condition precedent of amalgamation, debentures to the amount of forty-one thousand dollars, par value, and such other amount as may be found necessary under paragraph 2A hereof, to be issued as soon as possible by the present City of Columbia, are to be sold or hypothecated at a price (satisfactory to the City of Columbia) not less than eighty-five cents on the dollar, the proceeds to be applied for such purposes, in accordance with by-laws of said city to be passed hereafter in that behalf, as the Council of said city may determine; and, subject to the provisions of paragraph 2A hereof, so much as is necessary of the proceeds of the forty-one thousand dollars debentures to be issued as aforesaid shall be expended in extending the present water and electric-light systems of Grand Forks to and into Columbia, and further in extending such system or systems within Columbia to such extent and in such a manner as the said Council shall determine, and, so far as reasonably possible, such extensions shall be made in conformity with the present Grand Forks system, especially with respect to crosses, T's, and valves. The extension of the waterworks system from the present system of Grand Forks to be by an eight-inch main to the point in Columbia hereinafter mentioned.

2A. Provided, however, that independent of and apart from the said debentures for forty-one thousand dollars, Columbia shall have the right to issue and sell debentures to a further amount to provide for the difference in the cost between purchasing, laying, and connecting an eight-inch main, and purchasing, laying, and connecting a six-inch main, from such point as shall be found convenient on the present Grand Forks system to the point of intersection of Victoria Avenue and Spring Street, in the City of Columbia, and shall also have the right to issue debentures to a further amount sufficient to provide funds to purchase and install an additional motor and pump for use at the main pumping-station at Grand Forks and adequate in all respects to ensure to Columbia a sufficient water and light supply, with fire protection by means of the joint systems.

2B. The Council of Grand Forks will aid by all reasonable means in selling or hypothecating the said debentures; and will permit the streets of the City of Grand Forks to be torn up and used in such manner (subject to necessary restrictions for the safety and convenience of public travel, and subject also to the condition that they shall not be torn up until within a reasonable time of laying the pipes or doing other work thereon, and shall be put in as good condition as formerly as soon as possible thereafter) as may be necessary and proper for the purpose of such extensions of its said systems as the City of Columbia may require in pursuance of this resolution. The City of Grand Forks will permit connections to be made with its said systems, and upon such connections being made will, upon the same terms and conditions as shall from time to time obtain in Grand Forks, furnish water and supply electricity for lighting purposes to all applicants for either, within Columbia, to whose premises wire or mains shall have been or shall be carried; and until amalgamation the revenue from such services shall be collected by the City of Columbia, and shall be set aside in the first instance to pay the pro rata cost of supply, proportioned to the whole number of consumers of electricity and water in both cities, and also a proper allowance for the cost of collection; the balance (if any) to be paid to the new city upon amalgamation. Until amalgamation the water and light for municipal purposes, including fire protection, shall be supplied to the Corporation of Columbia by the Corporation of Grand Forks, at a charge of two dollars per month for thirty-two-candle power lamp, and two dollars and fifty cents per month per street hydrant.

2C. The expenditure of all moneys, proceeds of all the said debentures, shall be under the control of the Council of the City of Columbia, and in case the said moneys, or any part thereof, shall remain unexpended at the time of actual amalgamation, the same shall be expended for the objects and in accordance with the terms specified in the by-laws under which the said moneys are raised, by Commissioners to be named in and appointed by the special Act in pursuance of a resolution by the Columbia Council.

5. This resolution is passed upon the understanding that neither city shall have at the date of amalgamation any other or further liability or indebtedness, actual or contingent, than those set out in paragraphs 3 and 4 hereof; and, further, that neither city shall hereafter, prior to amalgamation, grant nor agree to grant any public franchise or privilege.

7. Upon the adoption of this resolution by the Councils of both cities, and its approval by the ratepayers as hereinafter provided, the City of Grand Forks shall at once place in the City of Columbia one hose-reel, with five hundred feet of cotton hose capable of resisting a pressure of four hundred pounds to the square inch; the same to be placed at such point as the City Council of Columbia shall direct for the use of said city.

8. In case of fire, the Grand Forks fire-engine shall be taken to the City of Columbia, unless at that time actually required for us at a fire in Grand

Forks, and the arrangements in paragraphs 7 and 8 hereof shall continue until amalgamation is actually effected.

11. The new City shall be divided into three wards by two ward division lines, as follows:—

Ward Division Line A.—Commencing at the north limit of the present City of Columbia, at the point of intersection of the said north limit with the centre line of the right-of-way of the Columbia and Western (Canadian Pacific) Railway Company, as now operated; thence south-easterly along the centre line of the said right-of-way to the point of intersection of said centre line with the centre line of Victoria Avenue, as shown on registered plan No. 35; thence along said centre line of Victoria Avenue in a south-westerly direction to the centre line of Market Street, as shown on said plan; thence south-easterly and southerly along the centre line of Market Street, as shown on plans 35 and 67, to its intersection with the northerly limit of Block 3, as shown on plan 67; thence along the northerly limit of Block 3, eastward to the east limit of Lot 533, Government survey; thence southerly along said east limit of Lot 533 to the southern boundary of the present City of Columbia.

Ward Division Line B.—The centre line of Fifth Street, in the City of Grand Forks, as shown on plans 86, 23, and 72, and the prolongation of said centre line north-westerly until it intersects the boundary of the City of Grand Forks as at present constituted.

And the three wards shall be as follows:—

West Ward.—All that portion of the present City of Columbia lying to the south and west of Ward Division Line A.

Centre Ward.—All those portions of the present Cities of Columbia and Grand Forks lying between Ward Division Line A and Ward Division Line B.

East Ward.—All that portion of the present City of Grand Forks lying to the north and east of Ward Division Line B.

13. The new city will use its influence for the continuance and maintenance of independent post-offices in the east and west ends of the new city, so as to afford to each at least the same facilities as at present.

SCHEDULE B,

BEING BY-LAWS REFERRED TO IN THIS ACT.

CITY OF COLUMBIA.

No.	Title.	Date of coming into Force.	Amount.	Inter-est.
				Per Cent.
13	Electric Lighting By-law, 1900.....	May 15, 1900	\$10,000	6
14	Waterworks By-law, 1900.....	May 15, 1900	10,000	6
15	Street Improvement By-law, 1900.....	May 15, 1900	4,000	6
17	Fire Protection By-law, 1900.....	May 15, 1900	6,000	6
18	Repayment of Loan By-law, 1900.....	May 15, 1900	5,000	6
20	Rate and Taxes By-law, 1900.....	May 20, 1900	..	..
25	Rate and Taxes By-law, 1901.....	April 9, 1901	..	..
30	Railway Aid By-law, 1901.....	Dec. 14, 1901	7,500	5
31	Columbia School Debentures By-law, 1901	Dec. 14, 1901	3,000	5

BY-LAWS OF THE CORPORATION OF THE CITY OF GRAND FORKS.

By-law No. 9.—To raise by way of debentures \$20,000, to provide waterworks and electric-light plant and system and for street improvement. Payable 20 years, with interest at 7 per cent. Date of taking effect, November 6th, 1897.

By-law No. 18.—To raise by way of debentures \$15,000, for paying the indebtedness of the city and for making street improvements. Payable in 7 years, with interest at 6 per cent. Date of taking effect, September 5th, 1898.

By-law No. 28.—To raise by way of debentures \$24,000, to improve waterworks system. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 15th, 1899.

By-law No. 30.—To raise by way of debentures \$11,000, to improve electric-light works. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 13th, 1899.

By-law No. 31.—To raise \$30,000 by way of debentures, to bonus the Grauby Mining and Smelting Co. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 13th, 1899.

By-law No. 45.—To raise by way of debentures \$15,000, for the purpose of erecting fire-hall and purchasing property therefor. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 13th, 1900.

By-law No. 46.—To raise by way of debentures \$3,000, to provide for an isolation hospital or quarantine-station. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 13th, 1900. Known as the Isolation Hospital By-law, 1900.

By-law No. 47.—To raise by way of debentures \$7,000, for improving streets and building sidewalks. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 13th, 1900.

By-law No. 48.—To raise by way of debentures \$25,000, for extending and improving waterworks system. Payable in 20 years, with interest at 5 per cent. Date of taking effect, July 13th, 1900.

By-law No. 61.—To raise by way of debentures \$9,000, granting aid for educational purposes by securing new school premises. Payable in 20 years, with interest at 5 per cent. Date of coming into effect, October 1st, 1901.

By-law No. 67.—Being the Railway Aid By-law, 1901, to raise by way of debentures the sum of \$7,500. Payable in 20 years, with interest at 5 per cent. Date of coming into effect, December 20th, 1901.

By-law No. 68.—Being the Grand Forks and Kettle River Railway Aid By-law, 1901, to raise by way of debentures the sum of \$3,500. Payable in 20 years, with interest at 5 per cent. Date of coming into effect, December 20th, 1901.

By-law No. 42.—Being the City of Grand Forks Debenture and General Rate By-law, 1900. Finally passed the 11th of May, 1900.

By-law No. 60.—Being the City of Grand Forks Debenture and General Rate By-law, 1901. Finally passed the 13th of May, 1901.

By-law No. 59.—Being the Granby Street Local Improvement By-law, 1901, to raise \$1,650. Payable in 6 years, with interest at 6 per cent. Date of taking effect, the 1st day of June, 1901.

CHAPTER 41.

An Act to provide for the Appointment of a Water Commissioner for the Town of Lillooet.

[21st June, 1902.]

WHEREAS, by record dated sixteenth October, 1861, ten inches Preamble.
of the water from Deranges Spring, a creek running through
the Town of Lillooet, is reserved for the use of the Town of Lillooet:

And whereas, in order that the said ten inches of water may be
economically distributed to the inhabitants, it is desirable that a
Water Commissioner should be appointed:

Therefore, His Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts as
follows:--

1. This Act may be cited as the "Lillooet Water Commissioner's Short title.
Appointment Act, 1902."

2. The Lieutenant-Governor in Council may, on petition of not Appointment
of Water
Commissioner.
less than ten real property-owners in the Town of Lillooet, who have
resided in the said town for at least six months previous to signing
the petition, appoint a fit and proper person to be Water Commis-
sioner for the Town of Lillooet.

3. The Water Commissioner, when appointed, shall have full Powers.
charge of all water that is reserved by any record for the use of
the inhabitants of the Town of Lillooet, and shall have the right
to determine the quantity of water that may be taken by any inhabi-
tant, to construct all ditches and flumes, and to lay all pipes that
may be necessary for the economical and proper distribution of the
said water to the inhabitants of the Town of Lillooet.

4. In case a dispute arises between the Water Commissioner and Reference of
disputes to County
Court Judge.
any person entitled to the use of any part of the said water, either
party may refer the matter in dispute to a Judge of the County
Court sitting at Lillooet, who shall decide the matter submitted
to him summarily, and make such order as he may think proper,
and there shall be no appeal from such decision.

5. The salary to be paid by said inhabitants to the Commissioner Salary.
shall be such an amount as the inhabitants may agree to pay.

6. The Lieutenant-Governor in Council may, when sufficient cause Cancellation of
appointment.
is shown, cancel the appointment of any Water Commissioner and
appoint another Water Commissioner in his place.

Penalties for
altering meter, etc.

7. Any person who shall wilfully alter any meter or box so as to lessen or increase the amount of water thereby allowed to any inhabitant by the Water Commissioner shall incur a penalty of not more than ten dollars, to be recovered with full costs on summary conviction before a Stipendiary Magistrate or two Justices of the Peace having jurisdiction in the locality; and in case such penalty and costs are not paid forthwith, such Justices of the Peace or Stipendiary Magistrate may commit the offender to the common gaol or lock-up at Lillooet for a period of thirty days, unless the said penalty and costs are sooner paid.

CHAPTER 42.

An Act to authorize a Loan of Three million five hundred thousand Dollars.

[13th June, 1902.]

Preamble.

WHEREAS the "British Columbia Loan Act, 1891," authorized the borrowing of seven hundred thousand pounds (£700,000), and it is stipulated therein that of this sum four hundred and fifty thousand pounds (£450,000), when borrowed, are to be applied for the specific purpose of reducing the debentures issued under the "British Columbia Loan Act, 1877," and the "British Columbia Loan Act, 1887," and two hundred thousand pounds (£200,000) have been borrowed and applied towards the public purposes of the Province, and there remains a balance of fifty thousand pounds (£50,000) which may be applied to public purposes other than redemption of debentures which has not been borrowed as authorized by said Act:

And whereas the "Provincial Loan Act, 1899," authorized the borrowing of two million eight hundred thousand dollars (\$2,800,000), of which sum one million six hundred and forty-nine thousand dollars (\$1,649,000) have been borrowed, and there remains a balance of one million one hundred and fifty-one thousand dollars (\$1,151,000) which has not been borrowed as authorized by said Act:

And whereas the "British Columbia Public Works Loan Act, 1901," authorized the borrowing of five million dollars (\$5,000,000) in addition to the moneys authorized to be borrowed by the above-recited Acts, for the purpose of subsidizing railways and for carry-

ing on other public works as referred to and enumerated in sections 8 and 16 of said Act, no portion of which said sum has been borrowed:

And whereas it is deemed expedient to consolidate the borrowing-powers contained in said Acts:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “British Columbia Loan Act, Short title. 1902.”

2. The borrowing-powers under the “British Columbia Loan Act, Amends 1891. c. 22. 1891,” in so far as the balance of fifty thousand pounds for public purposes, other than the redemption of debentures, not borrowed under said Act is concerned, are annulled.

3. The borrowing-powers under the “Provincial Loan Act, 1899,” Amends 1899. c. 42. in so far as the balance of one million one hundred and fifty-one thousand said dollars not borrowed under said Act is concerned, are annulled.

4. The Lieutenant-Governor in Council may borrow or raise from time to time, in such amounts, in such manner, and at such time as may be deemed expedient, any sum of money not exceeding three million five hundred thousand dollars, by the sale of debentures, or by the issue and sale of “British Columbia Stock” under the provisions of the “Inscribed Stock Act, 1891,” or partly in one way and partly in another, or otherwise. The moneys borrowed under the provisions of this Act shall be applied as follows:—

Loan of \$3,500,000 authorized.

(a.) In payment of the existing bank overdraft, which, approximately, amounts to one million seven hundred thousand dollars (\$1,700,000):

(b.) In payment of the construction of the New Westminster bridge across the Fraser River, seven hundred and fifty thousand dollars (\$750,000):

(c.) The balance of the said loan to be paid into the Consolidated Revenue Fund of the Province.

5. All moneys borrowed or raised pursuant to this Act shall bear Rate of Interest. interest at the rate not exceeding three and a half per cent. per annum, to be fixed at the time of sale and to be paid half-yearly, and shall be repayable at a date to be fixed at the time of sale, not being less than twenty-five nor more than fifty years after the time of sale.

6. It shall be lawful for the Lieutenant-Governor in Council Negotiation of loan. to appoint the Minister of Finance, Agent-General for British

Columbia, or other person or persons, from time to time, the agent of the Government for the purpose of negotiating any such loan, and the Minister or other duly appointed agent may arrange all details and do, transact, and execute all such deeds, matters, and things as may be requisite during the conduct of negotiations or for the purpose of placing the loan.

Payment of interest. 7. The Minister of Finance shall, and is hereby required to, in each and every half-year, from the first raising of any sums of money under authority hereof until the whole amount so raised, and all interest thereon, shall have been duly paid, set apart out of the consolidated revenue of the Province such sum as shall suffice to pay the interest upon all moneys which shall then bear interest, and shall apply such sum in payment of such interest aforesaid.

Repayment of loan. 8. The Lieutenant-Governor in Council may from time to time, by Order in Council, to be made before the raising of any sum of money under authority hereof which may be named in any such Order in Council, provide for the repayment of such moneys by authorizing and directing the Minister of Finance to appropriate yearly such sums of money out of the general revenue of the Province as may be named in any such Order in Council, and as may be deemed by the Lieutenant-Governor in Council to be necessary for the creation and maintenance of a sinking fund for the final payment of such stock, and may, by the same Order in Council, make such provisions as may be deemed requisite for the investment from time to time of the amount of any sinking fund and the accumulation thereof, and for the release of any surplus over and above what may be necessary, with accumulations, to repay any loan at maturity.

Accounting. 9. All moneys raised under this Act shall be paid in such manner as the Lieutenant-Governor in Council shall prescribe to the Minister of Finance, and shall by him be placed to the credit of an account to be called the "British Columbia Loan Act, 1902, Account," to be applied, first, in payment of discount, commission, brokerage, and other expenses of the loan, and the balance to be applied to the purposes and in the manner herein provided; and all moneys to be raised under this Act shall be accounted for in the same manner as if they formed part of the current revenue of the Province.

New Westminster
bridge.

10. It shall be lawful for the Lieutenant-Governor in Council to cause to be built a bridge across the Fraser River in the neighbourhood of New Westminster, at a cost not exceeding seven hundred and fifty thousand dollars, for the purposes of railway, vehicular and passenger traffic, and for the purposes aforesaid to enter into contracts for the construction of said bridge as may be deemed expedient, subject to submitting same to public competition, and after construction to enter into any agreements that the Lieutenant-

Governor in Council may deem expedient in connection with the user of said bridge by any railway or other companies, persons or firms, with power to fix a tariff of tolls. This section shall not interfere with or prejudicially affect any contract let or entered into under the provisions of section 16 of the "British Columbia Public Works Loan Act, 1901."

11. It shall be lawful for the Chief Commissioner of Lands and Works to expropriate any lands, tenements, or hereditaments necessary for the approaches to said bridge, subject to the provisions of the "Land Clauses Consolidation Act" as to compensation. Expropriation for purposes of said bridge.

12. Chapter 32 of the Statutes of 1901, being the "British Columbia Public Works Loan Act, 1901," is hereby repealed. Repeals 1901, c. 32.

CHAPTER 43.

An Act to confirm the Existing Bank Overdraft, and to provide in the Future for obtaining Funds by way of Overdrafts from the Banking Institutions of the Province.

[21st June, 1902.]

WHEREAS the "Temporary Overdraft Act, 1901," authorized Preamble.
advances to be obtained from the banks of the Province to the extent of one million five hundred thousand dollars:

And whereas it has been deemed necessary to exceed that sum, and it is anticipated that, approximately, one million seven hundred thousand dollars will be required to meet the demands of the public service up to close of the financial year, the thirtieth June, 1902:

And whereas it is deemed expedient that authority should be granted at any time hereafter to anticipate the receipts of revenue of the Province, or, in the interim, of exercising the borrowing-powers under any Loan Act to obtain moneys from the banking institutions of the Province by way of temporary advances, or overdrafts, without the issue of any form of debenture or bond:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Temporary Overdraft Act, 1902." Short title.

2. The overdraft already in existence, and required up to the Existing overdraft.
thirtieth of June, 1902, estimated at one million seven hundred

thousand dollars, is hereby authorized and confirmed, and is constituted a charge against the consolidated revenue of the Province until repaid.

Future overdrafts.

3. The Minister of Finance may make arrangements with any bank or banks within the Province, at any time the public service may require it, for a money overdraft to provide funds for the payment of expenditures authorized by Acts of the Legislature.

Procedure for obtaining overdraft.

4. The Minister of Finance shall, before exercising the powers of this Act, submit to the Lieutenant-Governor in Council for consideration the terms upon which he may be enabled to arrange for the required overdraft, stating the sum, the rate of interest, and the time limit for the expectancy of repayment; and upon approval thereof he shall furnish to the bank from which such overdraft has been negotiated a copy of the Order in Council authorizing the same, and the amount so obtained shall, until it is repaid, together with the interest thereon, be and is hereby constituted a charge against the consolidated revenue of the Province.

Repeals 1901, c. 33.

5. Chapter 33 of the Statutes of 1901, being the "Temporary Overdraft Act, 1901," is hereby repealed.

CHAPTER 45.

An Act to aid the Construction of a Railway from Midway to Vernon.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Midway and Vernon Railway Aid Act, 1902."

Aid to Midway and Vernon Railway Company.

2. To aid in the construction of a railway from Midway to Vernon, there shall be and there is hereby granted to the Midway and Vernon Railway Company the sum of five thousand dollars for each mile of railway (not exceeding one hundred and fifty-two miles) constructed between Midway and Vernon as hereinafter set out, the said aid to

be paid in cash or debentures or inscribed stock of the Province, as the Lieutenant-Governor in Council may elect, which the Lieutenant-Governor in Council is hereby empowered to issue, which shall be accepted at par value, shall bear interest at three per cent. per annum, payable half-yearly, and the principal thereof shall be payable in fifty years from the date of issue.

3. Section 2 of the "Midway and Vernon Railway Company's Act," being chapter 81 of the Acts of the Legislature of the Province of British Columbia passed in the year 1901, is hereby amended by striking out the words "Town of Greenwood" in lines one and two, and inserting in lieu thereof the words "City of Vancouver"; and the said Act is in all other respects revived and confirmed as if it had been hereby specially re-enacted:

Amends s. 2 of c. 81 of 1901.

Head office to be at City of Vancouver. Confirmation of said c. 81.

(a.) The Company shall lay out, construct, equip, fully complete, and maintain, or cause to be laid out, constructed, equipped, fully completed, and maintained, a line of railway, with all proper terminal facilities, from Vernon to Midway, which said railway, when fully completed as aforesaid, shall be a standard-gauge railway, and up to the general standard of the Columbia and Kootenay and the Columbia and Western Railways, and shall be the property of the Company:

Route.

(b.) The Company shall commence work on the said railway within six months after a subsidy, satisfactory to the Company, shall have been granted by the Parliament and Government of Canada in aid of the construction of the railway, and shall duly and diligently prosecute the same until completed to the satisfaction of the Lieutenant-Governor in Council:

Commencement and prosecution of work.

(c.) The Company shall, before the commencement of the said work, give security for the due performance of the work herein provided for in the sum of twenty-five thousand dollars, not as a penalty, but as liquidated and ascertained damages due to His Majesty, in right of the Province of British Columbia, in case of default, conditioned that the railway shall be completed within the time hereinafter fixed therefor; and upon completion of the railway the said security shall be returned to the Company or their nominees, and in the event of the security before mentioned being deposited by the Company in cash, the Government will allow to the Company, for such time as the money security shall remain in the hands of the Government, interest at the rate of three per centum per annum: Provided, however, that if the said security is not given on or before the first of September, 1903, this Act shall become null and void:

Security.

- Subsidy. (d.) To aid the Company in the construction of such railway, there shall be and there is hereby granted to the Company for each mile of said railway (not exceeding one hundred and fifty-two miles) the following sums, namely:—
- Five thousand dollars in cash or debentures or inscribed stock of the Province, as the Lieutenant-Governor in Council may elect, which shall be accepted by the Company at par value. The said debentures or inscribed stock shall bear interest at three per cent. per annum, payable half-yearly, and the principal of said debentures shall be payable in fifty years from their date of issue:
- Payment of subsidy. (c.) The said cash or debentures or inscribed stock shall be payable and shall be delivered to the Company by the Minister of Finance and Agriculture of the Province from time to time as each ten miles of said railway (or in the case of the last section, the fraction of ten miles, if such it be) have been built, of the standard and in accordance with the terms of this Act, and a certificate therefor has been given by the engineer of the Government, which said certificate shall not be unreasonably withheld:
- Right-of-way. (f.) The Government shall grant to the Company a right-of-way, not exceeding two hundred feet in width, along the line of railway, and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto. The Crown lands mentioned in this section shall be limited to such quantity as the Lieutenant-Governor in Council may consider reasonable and necessary for the purposes of the Company. The said lands shall be granted subject to the provision or condition contained in paragraph (i) of this Act: Provided, however, that a failure to carry out or obey such a provision or condition shall not be enforced against said lands, except by proceedings in Court, during which an opportunity shall be given to the Company to comply with such provision or condition:
- Taxation. (g.) The Company's railways and branches and extensions in British Columbia, and equipment and stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required or used for the construction, equipment, and working thereof, and all personal property owned or possessed by the Company, and the capital stock and revenues of the Company, shall be free from Provincial and municipal taxation until the lapse of ten years from the completion of the railway hereby contracted to be built; and in lieu of all Provincial taxation after the said ten years the Company shall pay

to the Government each year two per cent. of the gross earnings of the said railway and branches and extensions, and the same shall be a first charge on the said gross earnings after the payment of maintenance and working expenses of the railway, and the Government shall have the same rights and remedies for collection as for the collection of taxes in the ordinary manner. Should any question arise between the Government and the Company as to the amount of gross earnings, the Government shall have access at reasonable times to the books of the Company to verify the correctness of all statements of gross earnings submitted by it. The Government may, however, at any time after the payment of said two per cent. on gross earnings comes into operation, cancel the same and bring the said railway under the operation of the general law of the Province governing the taxation of railways, and in which case the Company will be relieved for the future of the payment of the said two per cent. on gross earnings, and the said road will be subject to taxation:

- (h.) The said line of railway shall be commenced and completed by the Company within the time following, viz.: Within six months after the Parliament and Government of Canada have granted to the Company aid satisfactory to the Company for the construction of said railway the construction thereof shall be commenced, and the railway shall be completed within three years thereafter: Commencement and completion.
- (i.) The Lieutenant-Governor in Council shall have the right, by Order in Council, to fix the maximum freight and passenger rates to be charged by the Company: Freight and passenger rates.
- (j.) The subsidy under this Act shall be subject to the conditions that the workmen, labourers, or servants employed in or about the construction and operation of the railway in aid of which such subsidy is granted shall be paid such rate of wages as may be currently payable to workmen, labourers, and servants engaged in similar occupations in the district in which such railway is constructed and operated, and upon breach of such condition by the Company there may be deducted and retained from any moneys payable in respect to such unearned subsidy such amount as the Lieutenant-Governor in Council may think proper; and in case the subsidy shall have been paid before such breach, such part thereof as may be determined by Order in Council may be recovered back from the Company, with full costs of action, at the suit of the Attorney-General of the Province in any Court of competent jurisdiction. The workmen, labourers, or servants employed in or about the construction of the said railway, and each of them, shall Rate of wages.

be charged fair and reasonable prices for any board, provisions, clothing, and other necessities of life and reasonable comfort supplied by the Company, their agents, or any person or persons authorized by the said Company to supply such goods and accommodation; and upon the breach of any of the provisions of this section, or in the event of exorbitant charges being made by the Railway Company, their agents, or other person or persons authorized by the Railway Company, there may be deducted and retained from moneys payable in respect of such unearned subsidy, or hereafter to be granted subsidy, such amount as the Lieutenant-Governor in Council may think proper:

Payment of wages.

(k.) The Government shall be entitled to retain the subsidy on each section when the same becomes due, until the Company produce satisfactory evidence that the wages of all workmen employed on said section have been paid:

Interpretation.

(l.) Whenever in this Act the Government or the Company is mentioned or referred to, such mention or reference shall extend to and include and be binding upon the successors of the Government, and the successors and assigns of the Company, as the case may be:

Work must be commenced before 1st January, 1904, or agreement void.

(m.) Notwithstanding anything contained in this Act, if the said Company have not begun the construction of the said railway on or before the first day of January, 1904, this Act shall become null and void:

Plans and profiles subject to approval by Lieut.-Governor in Council.

(n.) The plans and profiles of the road proposed to be constructed under the provisions of this Act shall be subject to the approval of the Lieutenant-Governor in Council.

Repeals s. 20, c. 81, 1901.

4. Section 20 of the "Midway and Vernon Railway Company Act, 1901," is hereby repealed.

CHAPTER 54.

An Act to authorize a Grant to the Corporation of the City of Nelson of certain Crown Lands situate in said City.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Grants may be made to City of Nelson of certain Crown lands.

1. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Nelson—

- (a.) All the estate, right, title, and interest of His Majesty the King, in the right of the Province of British Columbia, in the foreshore of the West Arm of Kootenay Lake, in the City of Nelson, between the west frontage-line of Ward Street and the east boundary-line of Lot 95, Group 1, and in the land covered by the waters of the said West Arm of Kootenay Lake for a distance of two hundred feet from the extreme low-water mark, except the land granted to the Columbia and Kootenay Railway and Navigation Company and the Nelson Saw and Planing Mills, Limited, which said foreshore and land covered with water are coloured pink upon the map signed by the Honourable Wilmer Cleveland Wells, Chief Commissioner of Lands and Works, and filed in the Department of Lands and Works, at Victoria, the fifteenth day of April, A.D. 1902.
- (b.) All the estate, right, title, and interest of His Majesty the King, in the right of the Province of British Columbia, in the plat of land in the City of Nelson, designated on the official map of the said city as "the Park," lying between Park Street, Water Street, and the eastern boundary of Lot 95, Group 1, except the land granted to the Kootenay Lake General Hospital Society, which said land is coloured pink upon the map referred to in subsection (a) of this Act.

CHAPTER 55.

An Act to aid the Construction of a Railway from Kitimaat Inlet to Hazelton.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Pacific Northern and Omineca Short title. Railway Aid Act, 1902."

2. To aid in the construction of a railway from a point on Kiti-
maat Inlet by the most convenient and feasible route to a point at
or near Hazelton, on the Skeena River, there shall be and there is
hereby granted to the Pacific Northern and Omineca Railway Com-
pany.

Aid to Pacific
Northern and
Omineca Railway
Company.

pany the sum of five thousand dollars for each mile of railway (not exceeding one hundred and thirty-five miles) constructed between Kitimaat Inlet and Hazelton as hereinafter set out, the said aid to be paid in cash or debentures or inscribed stock of the Province, as the Lieutenant-Governor in Council may elect, which the Lieutenant-Governor in Council is hereby empowered to issue, which shall be accepted at par value, shall bear interest at three per cent. per annum, payable half-yearly, and the principal thereof shall be payable in fifty years from the date of issue:

Route.

(a.) The Company shall lay out, construct, equip, fully complete, and maintain, or cause to be laid out, constructed, equipped, fully completed, and maintained, a line of railway, with all proper terminal facilities, from a point on Kitimaat Inlet by the most convenient and feasible route to a point at or near Hazelton, on the Skeena River, which said railway, when fully completed as aforesaid, shall be a standard-gauge railway, and up to the general standard of the Columbia and Western Railway, and shall be the property of the Company:

Commencement and prosecution of work.

(b.) The Company shall commence work on the said railway within six months after a subsidy, satisfactory to the Company, shall have been granted by the Parliament and Government of Canada in aid of the construction of the railway, and shall duly and diligently prosecute the same until completed to the satisfaction of the Lieutenant-Governor in Council:

Security.

(c.) The Company shall, before the commencement of the said work, give security for the due performance of the work herein provided for in the sum of twenty-five thousand dollars, not as a penalty, but as liquidated and ascertained damages due to His Majesty, in right of the Province of British Columbia, in case of default, conditioned that the railway shall be completed within the time hereinafter fixed therefor; and upon completion of the railway the said security shall be returned to the Company or their nominees, and in the event of the security before mentioned being deposited by the Company in cash, the Government will allow to the Company, for such time as the money security shall remain in the hands of the Government, interest at the rate of three per cent. per annum: Provided, however, that if the said security is not given on or before the first of September, 1903, this Act shall become null and void:

Subsidy.

(d.) To aid the Company in the construction of such railway, there shall be and there is hereby granted to the Company for each mile of said railway (not exceeding one hundred and thirty-five miles) the following sums, viz.:—

Five thousand dollars in cash or debentures or inscribed stock of the Province, as the Lieutenant-Governor in Council may elect, which shall be accepted by the Company at par value. The said debentures or inscribed stock shall bear interest at three per cent. per annum, payable half-yearly, and the principal of said debentures shall be payable in fifty years from their date of issue:

- (c.) The said debentures or inscribed stock shall be payable and shall be delivered to the Company by the Minister of Finance and Agriculture of the Province from time to time as each ten miles of said railway (or in the case of the last section, the fraction of ten miles, if such it be) have been built, of the standard and in accordance with the terms of this Act, and a certificate therefor has been given by the engineer of the Government, which said certificate shall not be unreasonably withheld: Payment of subsidy.
- (f.) The Government shall grant to the Company a right-of-way, not exceeding two hundred feet in width, along the line of railway, and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto. The Crown lands mentioned in this section shall be limited to such quantity as the Lieutenant-Governor in Council may consider reasonable and necessary for the purposes of the Company. The said lands shall be granted subject to the provision or condition contained in paragraph (i) of this Act: Provided, however, that a failure to carry out or obey such a provision or condition shall not be enforced against said lands, except by proceedings in Court, during which an opportunity shall be given to the Company to comply with such provision or condition: Right-of-way.
- (g.) The Company's railways and branches and extensions in British Columbia, and equipment and stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required or used for the construction, equipment, and working thereof, and all personal property owned or possessed by the Company, and the capital stock and revenues of the Company, shall be free from Provincial and municipal taxation until the lapse of ten years from the completion of the railway hereby contracted to be built; and in lieu of all Provincial taxation after the said ten years, the Company shall pay to the Government each year two per cent. of the gross earnings of the said railway and branches and extensions, and the same shall be a first charge on the said gross earnings after the payment of maintenance and working Taxation.

expenses of the railway, and the Government shall have the same rights and remedies for collection as for the collection of taxes in the ordinary manner. Should any question arise between the Government and the Company as to the amount of gross earnings, the Government shall have access at reasonable times to the books of the Company to verify the correctness of all statements of gross earnings submitted by it. The Government may, however, at any time after the payment of said two per cent. on gross earnings comes into operation, cancel the same and bring the said railway under the operation of the general law of the Province governing the taxation of railways, and in which case the Company will be relieved for the future of the payment of the said two per cent. on gross earnings, and the said road will be subject to taxation:

Commencement and
completion of work.

(h.) The said line of railway shall be commenced and completed by the Company within the time following, namely: Within six months after the Parliament and Government of Canada have granted to the Company aid satisfactory to the Company for the construction of said railway the construction thereof shall be commenced, and the railway shall be completed within three years thereafter:

Freight and
passenger rates.

(i.) The Lieutenant-Governor in Council shall have the right, by Order in Council, to fix the maximum freight and passenger rates to be charged by the Company:

Rate of wages.

(j.) The subsidy under this Act shall be subject to the conditions that the workmen, labourers, or servants employed in or about the construction and operation of the railway in aid of which such subsidy is granted shall be paid such rate of wages as may be currently payable to workmen, labourers, and servants engaged in similar occupations in the district in which such railway is constructed and operated, and upon breach of such condition by the Company there may be deducted and retained from any moneys payable in respect to such unearned subsidy such amount as the Lieutenant-Governor in Council may think proper; and in case the subsidy shall have been paid before such breach, such part thereof as may be determined by Order in Council may be recovered back from the Company, with full costs of action, at the suit of the Attorney-General of the Province in any Court of competent jurisdiction. The workmen, labourers, or servants employed in or about the construction of the said railway, and each of them, shall be charged fair and reasonable prices for any board, provisions, clothing, and other necessities of life and reasonable comfort supplied by the Company, their agents, or any person or persons authorized by the said Company

to supply such goods and accommodation, and upon the breach of any of the provisions of this section, or in the event of exorbitant charges being made by the Railway Company, their agents, or other person or persons authorized by the Railway Company, there may be deducted and retained from moneys payable in respect of such unearned subsidy, or hereafter to be granted subsidy, such amount as the Lieutenant-Governor in Council may think proper:

- (k.) The Government shall be entitled to retain the subsidy on each section when the same becomes due, until the Company produce satisfactory evidence that the wages of all workmen employed on said section have been paid: Payment of wages.
- (l.) Whenever in this Act the Government or the Company is mentioned or referred to, such mention or reference shall extend to and include and be binding upon the successors of the Government, and the successors and assigns of the Company, as the case may be: Interpretation.
- (m.) Notwithstanding anything contained in this Act, if the said Company have not begun the construction of the said railway on or before the first day of January, 1904, this Act shall become null and void: Work must be commenced before 1st January, 1904, or agreement void.
- (n.) The plans and profiles of the road proposed to be constructed under the provisions of this Act shall be subject to the approval of the Lieutenant-Governor in Council. Plans and profiles subject to approval of Lieut.-Governor in Council.

CHAPTER 57.

An Act to amend certain Acts incorporating Railway Companies, passed during the Year 1901.

[21st June, 1902.]

WHEREAS, during the session of the Legislature of this Province held in the year 1901, a number of Acts incorporating railway companies were passed, containing a clause prohibiting the employment of aliens upon the said railways unless it should be demonstrated to the satisfaction of the Lieutenant-Governor in Council that the work upon said railways could not be proceeded with without the employment of said aliens: Preamble.

And whereas the Governor-General in Council has intimated to the Lieutenant-Governor of British Columbia that the said Acts containing said clause would be disallowed within the time for the disallowance thereof, unless said clauses are sooner repealed:

And whereas the disallowance of said Acts would cause great inconvenience:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Railway Acts Amendment Act, 1902."

Repeal of alien
labour clause.

2. The Acts set out and described in the Schedule to this Act are hereby repealed to the extent stated in said Schedule.

SCHEDULE.

Act.	Title.	Extent of Repeal.
1901, cap. 65	An Act to amend the Arrowhead and Kootenay Railway Company Act, 1898	Section 2
1901, cap. 69	An Act to incorporate the Coast-Kootenay Railway Company, Limited	Section 27
1901, cap. 70	An Act to amend the Columbia and Western Railway Company Act, 1896	Section 2
1901, cap. 71	An Act to incorporate the Comox and Cape Scott Railway Company	Section 21
1901, cap. 72	An Act to incorporate the Crawford Bay Railway Company	Section 21
1901, cap. 73	An Act to incorporate the Crow's Nest Southern Railway Company Act, 1901	Section 23
1901, cap. 77	An Act to incorporate the Imperial Pacific Railway Company	Section 24
1901, cap. 78	An Act to incorporate the Kamloops and Atlin Railway Company	Section 22
1901, cap. 79	An Act to incorporate the Kootenay Central Railway Company	Section 20
1901, cap. 81	An Act to incorporate the Midway and Vernon Railway Company	Section 23
1901, cap. 83	An Act to incorporate the Queen Charlotte Islands Railway Company	Section 23
1901, cap. 84	An Act to incorporate the Vancouver and Grand Forks Railway Company	Section 22
1901, cap. 85	An Act to incorporate the Victoria Terminal Railway and Ferry Company	Section 25
1901, cap. 87	An Act to incorporate the Yale-Northern Railway Company	Section 24

CHAPTER 60.

An Act to amend the "South African War Land Grant Act, 1901." 1901, c. 51.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "South African War Land Grant Act, 1901, Amendment Act, 1902." Short title.

2. Section 2 of chapter 51 of the Statutes of 1901, being the "South African War Land Grant Act, 1901," is hereby amended by inserting after paragraph (a) of said section the following paragraph:— Amends s. 2.

"(aa.) Every officer, non-commissioned officer, and man of the South African Constabulary, enlisted in British Columbia, who was at the time of enlistment a resident of British Columbia, and who was prior to the declaration of peace actively engaged in military operations in South Africa." Interpretation of term "volunteer."

3. Section 3 of said Act is hereby amended by inserting immediately after the figures "1903," at the end of line twelve, the following words: "but if the grantee is a member of the South African Constabulary, he shall have until the first day of July, 1904, to make such selection." Amends s. 3. Constabulary to have until 1st July, 1904, to make selection.

4. Section 4 of said Act is hereby amended by inserting immediately after the word "volunteer," in the fourth line thereof, the words "or his substitute." Amends s. 4. Fees.

5. Section 7 of said Act is hereby amended by inserting immediately after the word "Act," in the first line thereof, the words "so long only as they are held by the volunteer." Amends s. 7. Exemptions to continue only so long as land held by volunteer.

CHAPTER 68.

An Act to authorize a Grant to the Corporation of the City of Vancouver of certain Crown Lands situate in said City.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Grant of certain lands to the City of Vancouver.

1. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Vancouver—

- (a.) All the estate, right, title, and interest of His Majesty the King, in the right of the Province of British Columbia, in that part of the foreshore of False Creek, in the City of Vancouver, and in the land covered by the waters of said creek, which said foreshore and land covered with water are coloured pink upon the map signed by the Honourable Wilmer Cleveland Wells, Chief Commissioner of Lands and Works, and by Thomas F. Neelands, Mayor of the City of Vancouver, situated and described as follows: Lying on the south shore of False Creek, being bounded on the east by the westerly limit of Carrall Street produced southerly to the said south shore, and bounded on the west by a line running due north from the intersection of the said south shore with the production northerly of the westerly side of the street lying between Blocks 339 and 340, in the subdivision of District Lot 526, and filed in the Department of Lands and Works, at Victoria, the nineteenth day of June, A.D. 1902.

CHAPTER 69.

An Act to incorporate the Vancouver General Hospital.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Vancouver General Hospital Act, 1902."

2. In this Act the expression "Hospital" means the Vancouver City Hospital and any other hospital which may hereafter be acquired or erected under the powers conferred by this Act. Interpretation.

3. Thomas F. Neelands, William J. McGuigan, James McQueen, Campbell Sweeny, David H. Harrison, M.D., Thomas Duke, Daniel Donaldson, John T. Carroll, M.D., Simon John Tunstall, M.D., William Fenwick Salsbury, Jonathan Miller, Benjamin T. Rogers, Frederick F. Burns, Henry De Pencier, William Skene, and such other persons as may from time to time become members of said Corporation, in accordance with the provisions hereinafter contained, are hereby constituted a body corporate and politic by and under the name of "The Vancouver General Hospital." Incorporation.

4. The said Corporation shall have perpetual succession and a common seal, and shall possess and enjoy all the general powers incident to a corporation. Seal.

5. The said Corporation by the name of "The Vancouver General Hospital" shall be capable of taking, purchasing, receiving by donation or grant, acquiring, holding, disposing of, conveying, or mortgaging real property for the uses and purposes of the said Corporation and which the directors thereof may consider necessary for the proper management of its affairs, or the fulfilment of the requirements and purposes of the said Hospital, and may also, as and when the Board of Directors shall determine, alter and extend the buildings now in existence or erect new buildings for the purposes of the said Hospital. Powers as to realty. Building-powers.

6. The affairs of the Corporation shall be managed by a Board of Directors to be composed of fifteen persons, eight of whom shall be elected by the members in the manner as shall be provided by the by-laws of the Corporation, and three persons appointed annually by the City Council of Vancouver, three persons appointed annually by the Lieutenant-Governor in Council, and one by the medical staff of the Hospital. Board of Directors.

7. Thomas F. Neelands, William J. McGuigan, James McQueen, Campbell Sweeny, David H. Harrison, M.D., Thomas Duke, Daniel Donaldson, John T. Carroll, M.D., Simon John Tunstall, M.D., William Fenwick Salsbury, Jonathan Miller, Benjamin T. Rogers, Frederick F. Burns, Henry De Pencier, and William Skene shall constitute the first Board of Directors, and shall hold office and manage the affairs of the said Hospital until their successors shall be elected or appointed according to the provisions of this Act, and shall have power to appoint and employ all such officers and servants as may be required to carry on the affairs of the said Hospital. First Board.

Officers.

8. The Board of Directors shall, at its first meeting after each annual meeting, elect from among its members a chairman, vice-chairman, and a secretary-treasurer or a secretary and a treasurer, whose respective duties shall be defined by the by-laws.

Meetings of directors.

9. The Board of Directors shall meet for the transaction of the business of the Corporation at such times as shall be appointed by the by-laws. Five members of the Board shall form a quorum, and in the absence of the chairman, vice-chairman, or secretary any director present may be appointed to act as chairman or secretary for the time being.

Quorum.

By-laws.

10. It shall be lawful for the Board of Directors at any time, and from time to time, to make, alter, and repeal by-laws, rules, and regulations for the government, management, control, use, and disposition of the property and effects of the Corporation and of the said Hospital; for regulating their own times and modes of meeting; for defining the duties of the several officers and employees of the Corporation; for determining the composition and duties of the Medical Board; for settling the qualifications, methods of election or selection, change, retirement, appointment, and terms of office of medical officers, nursing staff, and sub-committees of the said Hospital; and generally for the support, maintenance, management, and government of the said Hospital and of all its officers, servants, and patients: Provided that no by-law, rule, or regulation so made shall be in any way inconsistent with the provisions of this Act or repugnant to any law of the Province of British Columbia or the Dominion of Canada.

Certified copies of by-laws as evidence.

11. A copy of any such by-laws, rules, and regulations sealed with the seal of the said Corporation, and purporting to be certified by its secretary for the time being, shall be received in all Courts of British Columbia as prima facie evidence of such by-law, rule, or regulation.

Appointment of officials.

12. The Board of Directors shall have power to appoint all medical, executive, and other officers, boards, and committees required in the operation, conduct, and management of the said Hospital and of the affairs of the said Corporation.

Members of Corporation.

13. The members of the Corporation shall consist, in addition to life governors, of all persons who subscribe the sum of ten dollars (\$10) annually in aid of the funds of the Hospital, such subscription to entitle the person to vote at the annual meeting of the Corporation, such sum to be paid to the secretary of the Hospital at least fourteen days prior to the holding of the annual meeting. It shall be the duty of the secretary of the Hospital to give a receipt for all such sums so paid as subscriptions, and to prepare, at least seven

days prior to the annual meeting, a correct list of all such subscriptions and of all life governors for use at the annual meeting. No person not on the said list shall be entitled to vote at the annual meeting for the election of directors of the Hospital.

14. Any person who at any time shall subscribe the sum of one hundred dollars (\$100) or upwards to the funds of the Hospital shall be constituted a life governor, and shall be entitled to all the privileges of an annual subscriber.

15. The first general annual meeting of the Corporation shall be held on the fifteenth day of July, 1902, at such time and place as the directors may by resolution appoint, and six days' notice of the time and place of such meeting shall be given by publication in one or more of the Vancouver City newspapers. At such meeting the members shall elect eight of their number to serve on the Board of Directors of the Corporation until the subsequent annual meeting. Subsequent annual meetings shall be held on the second Wednesday in February in each year, and six days' notice of the time and place thereof shall be given by publication in one or more of the Vancouver City newspapers.

16. Subsequently to the first annual election, four directors shall retire annually; the four out of the eight elected directors so to retire annually shall be provided for by by-law, the remaining four to hold office for two years. Retiring directors shall be eligible for re-election.

17. Provided that if from any cause such general annual meeting shall not be held on the second Wednesday in February in any year, the directors and officers of said Corporation then in office shall continue in office until such general annual meeting is held, and their successors duly appointed as hereinafter provided.

18. If such general annual meeting shall from any cause not be held on the day hereinbefore appointed for the same, the directors shall appoint another day, time, and place within one month after such second Wednesday in February for the holding of such meeting, and shall call said meeting in the same manner as if it had been called for the proper day; and at such meeting all business may be transacted and all things may be done in the same manner as the same could have been transacted and done if such meeting had been held on the day appointed in section fifteen (15) of this Act for holding the same.

19. A full report which shall show in detail the assets and liabilities on the thirtieth day of December preceding the date of such return, the number of persons received and attended to in the

Hospital during the year ending the thirty-first day of December, to be prepared by the secretary and treasurer and approved by the directors, shall be forwarded to the address of each member ten days before the date of the annual meeting, and shall be submitted at each annual general meeting for consideration thereat, showing the condition of the affairs of the Corporation, and of other matters bearing on the interests of the Hospital, together with a list of members of the Corporation, which list shall be prima facie evidence as to the persons entitled to vote at such meeting.

Auditors

20. The annual general meeting shall elect one auditor for the ensuing year, and the Board of Directors, at its first meeting thereafter, shall appoint another auditor; and it shall be the duty of the said auditors to examine and report upon all accounts relating to any matter under the control of the Corporation, or within its jurisdiction, for the year for which they are appointed, and to prepare an abstract of the assets, liabilities, receipts, and expenditures up to the thirty-first day of December in each year, and shall submit the same to the directors on or before the fifteenth day of January in each year.

Copy of annual report to be sent to Lieut.-Governor and Mayor of Vancouver.

21. It shall be the duty of the directors, on or before the first day of February in each year, to transmit to the Lieutenant-Governor for the information of the Legislative Assembly of the Province, and to the Mayor of the City of Vancouver for the information of the City Council, a copy of the annual report of the said Hospital.

Actions for care and treatment at Hospital.

22. It shall be lawful for the treasurer at any time to institute and prosecute, in the name of the Corporation and on its behalf, proceedings in any Court against any person who may have received or at whose request medical or surgical care or treatment, or both, have been bestowed upon any person in the said Hospital, or against the executors or administrators of any such person, for the recovery of fees and remuneration for such care and treatment, and any amount recovered in any such proceeding shall be applied to the use of the Hospital.

Vesting of certain property.

23. (a.) At the expiration of one month from the date of this Act coming into force, the possession, control, and management of all the personal property, goods, and chattels now vested in the City of Vancouver, used for hospital purposes, shall be and the same is hereby transferred to the Vancouver General Hospital, and shall remain in the possession and under the control and management thereof so long as the same shall be required for hospital purposes.

(b.) All that piece or parcel of land known as the Fairview Hospital Site shall be and the same is hereby vested, on the date this Act comes into force, in the Vancouver General Hospital, to

be used for hospital purposes solely. The Vancouver General Hospital Corporation shall have no power to dispose of or mortgage the said lands hereby granted.

(c.) At the expiration of one month from the date when this Act comes into force, possession shall be given to the Vancouver General Hospital of all that piece or parcel of land now occupied by and used as a city hospital, and all the buildings thereon, to be used as a city hospital solely until such time as a new hospital building may be erected by the Vancouver General Hospital, when the said land, buildings, and premises shall be surrendered and given up to the Corporation of the City of Vancouver. The Vancouver General Hospital shall not have any power of disposing of or using the said site or buildings, while in possession thereof, for any other purposes than those of a hospital.

(d.) In the event of the Vancouver General Hospital deciding to erect buildings on the site mentioned in subsection (b) hereof or elsewhere at any future time, and being in a financial position to erect such hospital, and contribute at least thirty thousand dollars towards the cost thereof, the Corporation of the City of Vancouver shall contribute by way of subsidy towards the cost of building and erecting such hospital, to cost at least eighty thousand dollars, the sum of fifty thousand dollars, either by the payment of so much money, or by the guaranteeing of the bonds or debentures of the Vancouver General Hospital as may then be mutually agreed on by the Council of the said Corporation of the City and the directors of the Corporation of the Vancouver General Hospital.

(e.) It being the desire of the Council of the Corporation of Vancouver that the Vancouver General Hospital Corporation shall admit to the Hospitals under its control all patients residents of Vancouver who may not be able to pay out of their own moneys for such medical treatment and attendance, as well as to admit those patients who can pay for the same, the Corporation of the City of Vancouver, as a contribution to the cost and expense of management of the City Hospital, hereinafter to be managed by the Vancouver General Hospital, shall pay to the Vancouver General Hospital for the first three years after this Act comes into force an annual subsidy of ten thousand dollars per annum, such payment to be made by equal monthly instalments on the first day of each month in each year; and shall at the expiration of the said three years make such annual subsidy for the following three years as may then be mutually agreed on by the Council of the Corporation of the city and by the directors of the Vancouver General Hospital, and subsequently shall at the termination of each period of three years agree to an amount, and make an annual subsidy to the Vancouver General Hospital as may at such dates be mutually agreed upon as aforesaid: Provided always that the Council of the Corporation of the City of Vancouver shall have the power at any time to stop all pay-

ments provided by this clause to be made, if the Vancouver General Hospital, without any good and sufficient reason, refuses to admit any patient resident of the city to the Hospital or refuse to supply such patient with sufficient and proper medical treatment and attendance.

City of Vancouver and other municipalities empowered to make grants to Hospital.

24. The City Council of the City of Vancouver and other municipalities of the Province of British Columbia are hereby authorized and empowered to convey or grant either real or personal property to the Corporation "The Vancouver General Hospital" for the use and benefit of the Hospital, under and subject to such restrictions or conditions as to the Council of the city or municipality making such conveyance or grant may seem fit, and to levy, assess, and collect any moneys so granted from the ratepayers of such city or municipalities in like manner as the taxes for the ordinary authorized services of such city or municipalities are levied, assessed, and collected.

Act to be ratified by municipal electors.

25. This Act shall not come into force or have any effect unless and until it has been approved by a majority of the municipal electors of the City of Vancouver entitled to vote on money by-laws. The Council of the City of Vancouver is hereby authorized to hold an election for that purpose in the manner provided by law.

CHAPTER 70.

An Act to aid the Construction of a Railway from Victoria to Yellowhead Pass.

[21st June, 1902.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Victoria and Yellowhead Pass Railway Aid Act, 1902."

Aid to Edmonton, Yukon, and Pacific Railway Company.

2. The Lieutenant-Governor in Council is hereby authorized—
(a.) To aid the construction of a railway from Yellowhead Pass to Bute Inlet by a grant to the Edmonton, Yukon, and Pacific Railway Company of five thousand dollars for each mile of railway (not exceeding four hundred and eighty miles) constructed by said Company between Yellowhead

Pass and Bute Inlet: Provided, however, that the Government shall not enter into any agreement for the construction of the railway from Yellowhead Pass to Bute Inlet unless and until they have completed an agreement for the simultaneous construction (or within the same time limit) of the railway from Victoria or Wellington to Seymour Narrows, via Alberni, it being the true meaning and intent of this Act to provide for the construction of a continuous line of transportation from the eastern boundary of British Columbia at or near Yellowhead Pass to a point on the seaboard at or near Bute Inlet; thence by ferry to Vancouver Island; thence by the Victoria and Seymour Narrows Railway or the Esquimalt and Nanaimo Railway to Victoria, via Alberni and Nanaimo. The said aid shall be paid in cash or debentures or inscribed stock of the Province, as the Lieutenant-Governor in Council may elect, which the Lieutenant-Governor in Council is hereby empowered to pay or issue, which shall be accepted at par value, shall bear interest at three per cent. per annum, payable half-yearly, and the principal shall be payable in fifty years from the date of issue:

- (b.) To aid the construction of a railway from Victoria to Seymour Narrows, via Alberni, by a grant to the Victoria and Seymour Narrows Railway Company of five thousand dollars for each mile of railway (not exceeding one hundred and fifty miles) constructed by the last-mentioned Company between Wellington and Seymour Narrows. The said aid shall be paid in cash or debentures or inscribed stock of the Province, which the Lieutenant-Governor in Council is hereby empowered to pay or issue, which shall be accepted at par value, shall bear interest at three per cent., payable half-yearly, and the principal shall be payable in fifty years from the date of issue.

Aid to Victoria and
Seymour Narrows
Railway Company.

3. The Lieutenant-Governor in Council may enter into an agreement with the Edmonton, Yukon, and Pacific Railway Company, which agreement shall, in addition to other matters therein provided for, contain the following provisions:—

Agreement with
Edmonton, Yukon,
and Pacific Railway
Company.

- (a.) The Company covenant with the Government that, upon the terms and conditions hereinafter expressed, they will lay out, construct, equip, fully complete, maintain, and operate for ever, or cause to be laid out, constructed, equipped, fully completed, maintained, and operated for ever, a line of railway, with all proper terminal facilities, from a point at or near Bute Inlet to the eastern boundary of British Columbia, in the vicinity of Yellowhead Pass, which said railway, when fully completed as aforesaid, shall be

Route.

Commencement and
prosecution of work.

a standard-gauge railway, and up to the general standard of the Canadian Pacific Railway as originally constructed, and which railway shall be the property of the Company:

(b.) The Company shall commence work on the construction of the railway within the time hereinafter fixed therefor, at a point at or near Bute Inlet, and shall duly and diligently prosecute the work of building the line easterly until the whole line is completed to the satisfaction of the Lieutenant-Governor in Council:

Security.

(c.) The Company shall, before the commencement of the said work, give security for the due performance of the work herein provided for in the sum of one hundred thousand dollars, not as a penalty, but as liquidated and ascertained damages due to His Majesty, in right of the Province of British Columbia, in case of default, conditioned that the railway shall be completed from a point at or near Bute Inlet to the eastern boundary of British Columbia within the time hereinafter fixed therefor; and upon completion of the railway the said security shall be returned to the Company or its nominees, and in the event of the security before mentioned being deposited by the Company in cash, the Lieutenant-Governor in Council will allow to the Company, for such time as the money security shall remain in the hands of the Government, interest at the rate of three per centum per annum: Provided, however, that if the said security is not given on or before the first of September, 1903, this Agreement shall become null and void:

Subsidy.

(d.) To aid the Company in the construction of such railway, the Lieutenant-Governor in Council will grant and pay to the Company for each mile of said railway (not exceeding four hundred and eighty miles) the following sums, viz.: Five thousand dollars in cash or in debentures or inscribed stock of the Province, as the Lieutenant-Governor in Council may elect, which shall be accepted by the Company at par value. The said debentures or inscribed stock shall bear interest at three per cent. per annum, payable half-yearly, and the principal shall be payable in fifty years from their date of issue:

Payment of subsidy.

(e.) The said subsidy shall be payable to the Company when and from time to time as each twenty miles of said railway (or, in the case of the last section, the fraction of twenty miles, if such it be) have been built, of the standard and in accordance with the terms of this Agreement, and a certificate therefor has been given by the engineer of the Government: Provided, however, that if the construction of the railway from Victoria or Wellington to Seymour Narrows, via Alberni, mentioned in subsection (b) of

section 2 hereof, shall not have been completed before the commencement of the last one hundred and fifty miles of the railway from Bute Inlet to Yellowhead Pass, then the subsidy for the said last one hundred and fifty miles shall only be paid in the manner following, that is to say:—

When the subsidy for the first twenty-mile section shall have been earned, it shall not be paid over to the Company until satisfactory proof has been furnished to the Lieutenant-Governor in Council that the subsidy mentioned in subsection (b) of section 2 hereof has been earned in respect of the construction of twenty miles of the railway from Victoria or Wellington to Seymour Narrows, via Alberni. The subsidy for the second twenty-mile section shall be paid in the same manner, and so on, section by section, so that the subsidy for the last one hundred and fifty miles of the railway from Bute Inlet to Yellowhead Pass shall not be paid over until the construction is completed of the railway from Victoria or Wellington to Seymour Narrows, via Alberni:

- (f.) The Lieutenant-Governor in Council shall grant to the Company a right-of-way, not exceeding two hundred feet in width, along the line of railway, and such Crown lands as may be necessary for terminal purposes, sidings, stations, sheds, wharves, warehouses, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto. The Crown lands mentioned in this section shall be limited to such quantity as the Lieutenant-Governor in Council shall consider reasonable and necessary for the purposes of the Company. The said lands shall be granted subject to the provision or condition contained in paragraph (i) of this Agreement: Provided, however, that a failure to carry out or obey such provision or condition shall not be enforced against said lands, except by proceedings in Court, during which an opportunity shall be given to the Company to comply with such provision or condition: Right-of-way.
- (g.) The Company's railways and branches and extensions in British Columbia, and equipment and stations and station-grounds, workshops, buildings, yards, rolling-stock, appurtenances, and other property required or used for the construction, equipment, and working thereof, and all personal property owned or possessed by the Company, and the capital stock and revenues of the Company, shall be free from Provincial and municipal taxation until the lapse of ten years from the completion of the railway hereby contracted to be built; and in lieu of all Provincial taxation after the said ten years the Company shall pay to the Government each year two per cent. of the gross Taxation.

earnings of said railway and branches and extensions, and the same shall be a first charge on said gross earnings after the payment of maintenance and working expenses of the railway, and the Government shall have the same rights and remedies for collection as for the collection of taxes in the ordinary manner. Should any question arise between the Government and the Company as to the amount of gross earnings, the Government shall have access at reasonable times to the books of the Company to verify the correctness of all statements of gross earnings submitted by it. The Government may, however, at any time after the payment of said two per cent. on gross earnings comes into operation, cancel the same and bring the said railway under the operation of the general law of the Province governing the taxation of railways, and in which case the Company will be relieved for the future of the payment of said two per cent. on gross earnings, and the said road will be subject to taxation:

Ferry.

(h.) The Company agree that they will, after the completion of the first hundred miles of line, enter into an agreement, satisfactory to the Lieutenant-Governor in Council, that they will maintain and operate a suitable ferry, of the requirements necessary for the transportation of cars, passengers, and freight, between the terminus of their railway on the sea-shore of the Mainland of British Columbia and the most feasible point on Vancouver Island, to run in connection with the Victoria and Seymour Narrows Railway, it being the true intent and meaning of this Agreement that the Company will, within the time for the completion of the railway contracted to be built under this Agreement, operate, or cause to be operated, a line of transportation from the eastern boundary of British Columbia, at or near Yellowhead Pass, to a point on the seaboard at or near Bute Inlet; thence by ferry to Vancouver Island, to run in connection with said line of railway, which will have its terminus at the City of Victoria, on Vancouver Island:

Freight and
passenger rates.

(i.) The Lieutenant-Governor in Council shall have the right, by Order in Council, to fix the maximum freight and passenger rates to be charged by the Company:

Commencement and
completion of work.

(j.) The said line of railway, from a point at or near Bute Inlet to the said eastern boundary of the Province, shall be commenced and completed by the Company within the time following, viz.: Within three months after the Parliament and Government of Canada have granted to the Company aid satisfactory to the Company for the construction of said railway the construction thereof

shall be commenced, and the railway shall be completed within six years thereafter:

- (k.) The subsidy under this Agreement shall be subject to Rate of wages. the condition that the workmen, labourers, or servants employed in or about the construction and operation of the railway in aid of which such subsidy is granted shall be paid such rate of wages as may be currently payable to workmen, labourers, and servants engaged in similar occupations in the district in which such railway is constructed and operated, and upon breach of such condition by the Company there may be deducted and retained from any moneys payable in respect of such unearned subsidy such amount as the Lieutenant-Governor in Council may think proper, and in case the subsidy shall have been paid before such breach, such part thereof as may be determined by Order in Council may be recovered back from the Company, with full costs of action, at the suit of the Attorney-General of the Province in any Court of competent jurisdiction. The workmen, labourers, or servants employed in or about the construction of the said railway, and each of them, shall be charged fair and reasonable prices for any board, provisions, clothing, and other necessities of life and reasonable comfort supplied by the Company, their agents, or any person or persons authorized by the said Company to supply such goods and accommodation; and upon the breach of any of the provisions of this section, or in the event of exorbitant charges being made by the Railway Company, their agents, or other person or persons authorized by the Railway Company, there may be deducted and retained from moneys payable in respect of such unearned subsidy, or hereafter to be granted subsidy, such amount as the Lieutenant-Governor in Council may think proper:
- (l.) The Lieutenant-Governor in Council shall be entitled to Payment of wages. retain the subsidy on each section when the same becomes due, until the Company produce satisfactory evidence that the wages of all workmen employed on said section have been paid:
- (m.) Whenever in this Agreement the Government or the Com- Interpretation. pany is mentioned or referred to, such mention or reference shall extend to and include and be binding upon the successors of the Government and the successors and assigns of the Company, as the case may be:
- (n.) The head office of the Company for the management of Head office for Pacific Division. their business of the Pacific Division therefor shall be at the City of Victoria. And the Company further agree that Discrimination in rates. they will not at any time discriminate in through rates

from Atlantic to Pacific ports against the City of Victoria, or any other port on Vancouver Island, or the City of Vancouver, reached by their line of railway, in favour of any port on the Mainland at the end of any extension of their system:

Work must be commenced before 1st September, 1903, or Agreement void.

Western terminus to be at the City of Victoria.

Plans and profiles to be approved of by Lieut.-Governor in Council.

Company not to amalgamate with Canadian Pacific Railway.

Lieut.-Governor may provide for running-powers, etc., of other companies.

Company to produce books, accounts, etc., to Minister of Finance.

- (o.) Notwithstanding anything contained in this Agreement, if the said Company have not begun the construction of said railway on or before the first day of September, 1903, and do not diligently prosecute the work of building the line to the satisfaction of the Lieutenant-Governor in Council, this Agreement shall become null and void:
- (p.) The Company covenant that, as a condition of receiving aid under the provisions of this Act, the western terminus of the main line of railway to be constructed under the provisions of this Act shall be at the City of Victoria, and shall not be removed therefrom:
- (q.) The plans and profiles for the construction of the railway hereinbefore mentioned shall be subject to the approval of the Lieutenant-Governor in Council:
- (r.) The Company shall not, nor shall any branch lines thereof or any lines of railway leased by the Company, or under its control, be at any time amalgamated with the Canadian Pacific Railway, or any of its branch lines, or with any branch lines leased by the Canadian Pacific or under its control. Any such attempted amalgamation, with any arrangement for making a common fund or pooling the earnings or receipts of the said two companies' railways, or any of their branch lines or any railway-lines or parts thereof leased by the said companies, or either of them, shall be absolutely void. This provision, however, shall not extend to traffic or running arrangements made with the assent of the Governor-General in Council or Lieutenant-Governor in Council:
- (s.) The subsidy granted under this Agreement and the receipt thereof shall be subject to the condition that the Lieutenant-Governor in Council may at all times provide and secure to other companies such running-powers, traffic arrangements, and other rights as will afford to all railways connecting therewith reasonable and proper facilities in exercising such running-powers, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways:
- (t.) The Company shall, when required, produce and exhibit to the Minister of Finance, or any person appointed by him, all books, accounts, and vouchers showing the cost of constructing the railway, the cost of operating it, and the earnings thereof.

4. The Lieutenant-Governor in Council may enter into an agreement with the Victoria and Seymour Narrows Railway Company for the construction of a railway from Victoria to Seymour Narrows, via Alberni. The said agreement, in addition to other matters therein provided for, shall contain the following provisions:—

Agreement with
Victoria and
Seymour Narrows
Railway Company.

- (a.) The Company covenant with the Government that, upon the terms and conditions hereinafter expressed, they will lay out, construct, equip, fully complete, maintain, and operate for ever, or cause to be laid out, constructed, equipped, fully completed, maintained, and operated for ever, a line of railway, with all proper terminal facilities, from a point at or near the Town of Wellington to Seymour Narrows, via Alberni, which said railway, when fully completed as aforesaid, shall be a standard-gauge railway, and up to the general standard of the Canadian Pacific Railway as originally constructed, and which railway shall be the property of the Company: Route.
- (b.) The Company shall commence work on the construction of the railway within the time hereinafter fixed therefor, and shall duly and diligently prosecute the work of building the line until the whole line is completed to the satisfaction of the Lieutenant-Governor in Council: Commencement
and prosecution
of work.
- (c.) The Company shall, before the commencement of the said work, give security for the due performance of the work herein provided for in the sum of fifty thousand dollars, not as a penalty, but as liquidated and ascertained damages due to His Majesty, in right of the Province of British Columbia, in case of default, conditioned that the railway shall be completed within the time hereinafter fixed therefor; and upon completion of the railway the said security shall be returned to the Company or their nominees, and in the event of the security before mentioned being deposited by the Company in cash, the Government will allow to the Company, for such time as the money security shall remain in the hands of the Government, interest at the rate of three per centum per annum: Provided, however, that if the said security is not given on or before the first of September, 1903, this Agreement shall become null and void: Security.
- (d.), (e.), (f.), (g.) The same provisions as in paragraphs (d.), (e.), (f), and (g) of section 3, except that in paragraph (d) of this section it shall be provided that the subsidy shall not be for mileage in excess of one hundred and fifty miles: (d.) Subsidy.
(e.) Payment of
subsidy.
(f.) Right-of-way.
(g.) Taxation.
- (h.) The said line of railway shall be commenced and completed by the Company within the time following, viz.: Within three months after the Parliament and Government of Commencement
and completion
of work.

Canada have granted to the Company aid satisfactory to the Company for the construction of said railway the construction thereof shall be commenced, and the railway shall be completed within six years thereafter:

(i.) Freight and passenger rates.
(j.) Rate of wages.
(k.) Payment of wages.
(l.) Interpretation.
Head office.

Discrimination in rates.

(n.) Work must be commenced before 1st September, 1903, or Agreement void.

Plans and profiles.

Company not to amalgamate with Canadian Pacific Railway.

Lieut.-Governor may provide for running-powers, etc., of other companies.

Company to produce books, accounts, etc., to Minister of Finance.

- (i.) The same provision as in paragraph (i) of section 3:
(j.) The same provision as in paragraph (k) of section 3:
(k.) The same provision as in paragraph (l) of section 3:
(l.) The same provision as in paragraph (m) of section 3:
(m.) The head office of the Company shall be at the City of Victoria; and the Company further agree that they will not at any time discriminate in through rates from Atlantic to Pacific ports against the City of Victoria, or any other port on Vancouver Island, or the City of Vancouver, reached by their line of railway, in favour of any port on the Mainland at the end of any extension of their system:
(n.) The same provision as in paragraph (o) of section 3:
(o.) The same provision as in paragraph (q) of section 3:
(p.) The Company shall not, nor shall any branch lines thereof or any lines of railway leased by the Company, or under its control, be at any time amalgamated with the Canadian Pacific Railway, or any of its branch lines, or with any branch lines leased by the Canadian Pacific or under its control. Any such attempted amalgamation, with any arrangement for making a common fund or pooling the earnings or receipts of the said two companies' railways, or any of their branch lines or any railway-lines or parts thereof leased by the said companies, or either of them, shall be absolutely void. This provision, however, shall not extend to traffic or running arrangements made with the assent of the Governor-General in Council or Lieutenant-Governor in Council:
(q.) The subsidy granted under this Agreement and the receipt thereof shall be subject to the condition that the Lieutenant-Governor in Council may at all times provide and secure to other companies such running-powers, traffic arrangements, and other rights as will afford to all railways connecting therewith reasonable and proper facilities in exercising such running-powers, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways:
(r.) The Company shall, when required, produce and exhibit to the Minister of Finance, or any person appointed by him, all books, accounts, and vouchers showing the cost of constructing the railway, the cost of operating it, and the earnings thereof.

5. The line of railway to be constructed under section 4 of this Act shall be deemed to be and form part of the main line of the railway to be constructed under the provisions of this Act.

Line constructed under s. 4 to form part of main line.

Pacific Northern and Omineca Railway (Amendment)	21st June, 1902.
Vancouver and Westminster Railway (Amendment)	21st June, 1902.
Victoria and Seymour Narrows Railway	21st June, 1902.

CHAPTER 8.

An Act to ratify an Order in Council approved on the Eighteenth Day of March, 1902, rescinding certain Provisions of an Order in Council approved on the Fourth Day of September, 1901, respecting the Land Grant of the Columbia and Western Railway Company.

1896, c. 8.

[4th May, 1903.]

WHEREAS on the fourth day of September, A.D. 1901, an Order in Council was approved by His Honour the Lieutenant-Governor, by which it was provided, amongst other things, that certain blocks of land (hereinafter called "deficiency blocks") should be granted to the Columbia and Western Railway Company, to make up deficiencies in the alternate blocks of land selected by the Company along their line of railway as land to be granted as aid in respect of the construction of the first and third sections of their railway:

Preamble.

And whereas Crown grants to said Company of said deficiency blocks, described as Lots 4593 and 4594, Group 1, Kootenay District, were signed and sealed but not delivered, bearing date the third day of October, A.D. 1901, and were not handed over to the Company:

And whereas the lands described in the Crown grants were not lands within the scope of the "Columbia and Western Railway Subsidy Act, 1896":

And whereas, by an Order in Council approved by His Honour the Lieutenant-Governor on the eighteenth day of March, A.D. 1902, the said Order in Council of the fourth day of September, A.D. 1901, was rescinded in so far as, but no further than, it related to said deficiency blocks:

And whereas it is expedient to ratify and confirm the said Order in Council of the eighteenth day of March, A.D. 1902:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Order in Council,
18th March, 1902,
ratified.

1. The said Order in Council of the eighteenth day of March, A.D. 1902, is hereby ratified and confirmed.

Cancellation of
Crown grants.

2. The said Crown grants of said deficiency blocks are hereby cancelled, and it shall be considered for all purposes that the said Crown grants never existed.

Declaration as to
said Crown grants.

3. It is hereby declared and enacted that the said Crown grants of said deficiency blocks did not convey to the said Company any right or title to the lands embraced in said blocks, and said lands are hereby declared never to have passed from the Crown by virtue of the said recited Crown grants.

CHAPTER 19.

1888, c. 42.

An Act to amend the "New Westminster Act, 1888."

[4th June, 1903.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "New Westminster Act, 1888, Amendment Act, 1903."

City empowered to
buy lands at tax
sales when amount
bid is less than
arrears of taxes.

2. Notwithstanding anything contained in the "New Westminster Act, 1888," or in any amendment thereto, it shall be lawful for the Council of the Corporation of the City of New Westminster to pass a by-law providing for the Corporation purchasing real property at any sale of lands for taxes within the municipality when the price offered at such sale is less than the amount of arrears, and in such

by-law or by-laws, afterwards passed, provide that, in the case of any property so purchased by the Corporation and not redeemed within the specified time, the Council of the Corporation may, by a resolution sanctioned by the vote of two-thirds of the Council, sell such property, or any of it, at such price as the resolution may specify.

CHAPTER 20.

“New Westminster Relief Act, 1899,” Amendment Act, 1899, c. 56.
1903.

[4th May, 1903.]

WHEREAS by the “New Westminster Relief Act, 1899,” a plan Preamble.
was provided for the payment of interest upon and the redemption of the debentures mentioned in Schedule A to the said Act:

And whereas the said Corporation is now in a position to redeem all of the said debentures, together with the interest debentures issued in pursuance of said Act, by the issue of a new series of debentures bearing a less rate of interest:

And whereas it is desirable to confer the necessary powers upon the said Corporation:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “New Westminster Relief Act, 1899, Amendment Act, 1903.” Short title.

2. Notwithstanding anything contained in the “New Westminster Act, 1888,” or in any amendment thereto, or in the “Municipal Clauses Act” or in any amendment thereto, or in the “New Westminster Relief Act, 1899,” or in any amendment thereto, it shall be lawful for the Council of the Corporation of the City of New Westminster to borrow, on the credit of the Corporation, the funds necessary to redeem the said debentures described in Schedule A to the “New Westminster Relief Act, 1899,” and the interest debentures issued under and in pursuance of the “New Westminster Relief Act, 1899,” and to issue debentures of the Corporation to the requisite amount, and such new debentures may be expressed to be payable in sterling money or currency and bearing such rate of

Corporation empowered to issue debentures to redeem debentures issued under c. 56 of 1899, and under other Acts mentioned in c. 56.

interest and payable at such place and at such time, not to exceed fifty years from the date of issue, as the Council may determine for the above purposes; and to assess, levy, and collect in the same manner as taxes are levied and collected upon the whole of the rateable property of the city a special rate for the payment of the principal and interest of the debentures so to be issued in pursuance hereof; and the assent of the ratepayers to any by-law to be made under the authority hereby conferred shall not be necessary.

When said debentures redeemed powers of Debenture Commissioners appointed under said c. 56 to cease, and trustees to be appointed under s. 164 of c. 42 of 1888.

3. So soon as the Corporation shall have redeemed the debentures described in Schedule A to the "New Westminster Relief Act, 1899," and the interest debentures issued in pursuance of the "New Westminster Relief Act, 1899," the powers of the Debenture Commissioners appointed under section 1 of said "New Westminster Relief Act, 1899," shall cease, and three trustees shall be appointed under the provisions of section 164 of the "New Westminster Act, 1888," to whom, upon their appointment, the said Debenture Commissioners are hereby authorized and required to pay, assign, and make over all moneys now invested in the name of or standing to the credit of or due or owing to the Debenture Commissioners under the provisions of the "New Westminster Relief Act, 1899," in respect of the said debentures, and the said Debenture Commissioners are also hereby authorized and required to assign and make over to the said trustees forthwith, upon their appointment, all securities for moneys held by them under the provisions of the "New Westminster Relief Act, 1899."

Redemption of debentures issued hereunder.

4. It shall be lawful for the Corporation, at the end of every period of five years, to redeem the debentures hereby authorized by lot in the manner hereinafter set out: Provided that the Corporation shall not in any one year redeem more than ten per cent. of the said debentures.

Determination of debentures to be redeemed.

5. On or before the thirtieth day of June, after the expiration of each period of five years during which such debentures shall be outstanding, the Mayor and Clerk, in the presence of one or more of the trustees of the sinking fund, shall determine by lot the numbers of the debentures to be redeemed by the Corporation in such year, and within six months after such numbers shall have been so determined the amount payable to redeem the same shall be paid into some chartered bank to the credit of an account to be opened in respect thereof, and thereupon the debentures so selected shall be deemed to have been paid, and within thirty days after the numbers of the debentures to be redeemed have been determined, the Clerk shall notify the holders of such debentures of the fact of such selection and payment, by prepaid registered letter addressed to the last-known post-office address of such holder or holders. If the name

or address of the holders of any debenture shall not be known at any such time, the notice intended for such holder shall be given, within the said period, to the person through whom any interest coupon in respect of any such debenture was then last presented for payment.

CHAPTER 21.

An Act to amend the "South African War Land Grant Act, 1901." 1901, c. 51.

[4th June, 1903.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "South African War Land Grant Act, 1901, Amendment Act, 1903." Short title.

2. Section 2 of chapter 51 of the Statutes of 1901, being the "South African War Land Grant Act, 1901," as amended by section 2 of chapter 60 of the Statutes of 1902, is hereby repealed, and the following section is substituted therefor:— Re-enacts s. 2.

"2. In this Act the expression 'volunteer' shall include— Interpretation of the term "volunteer."

"(a.) Every officer, non-commissioned officer, and man of the Second Battalion, Royal Canadian Regiment, the Canadian Mounted Rifles, the Royal Canadian Field Artillery, and the Strathcona Horse and the South African Constabulary, enlisted in British Columbia, who was at the time of enlistment a resident of British Columbia, and who prior to the declaration of peace was actively engaged in military operations in South Africa, or who prior to said declaration of peace embarked for South Africa in order to take part in said active military operations:

"(b.) All British Columbians who prior to said declaration of peace served with or embarked for service with the British forces in South Africa who were not members of the above corps organized in Canada:

"(c.) Every person, resident in British Columbia, who was regularly appointed to the medical staff, and who prior to said declaration of peace was actively engaged in the

said military operations, or who prior to said declaration of peace embarked for South Africa in order to take part in said active military operations:

“(d.) Nurses, hospital dressers, and orderlies, resident in British Columbia, who prior to said declaration of peace were actively engaged in said military operations, or who prior to said declaration of peace embarked for South Africa in order to take part in said active military operations:

“(e.) Persons who are the next of kin of any volunteer who may be since deceased, or his or their assigns.”

Amends s. 3.
Time for selecting
land.

3. Section 3 of said chapter 51 is hereby amended by striking out the words and figures “the first day of July, A.D. 1903,” where they occur in the twelfth line thereof, and by substituting therefore “the first day of July, A.D. 1905”; and section 3 of chapter 60 of the Statutes of 1902 is hereby repealed.

Re-enacts subsec.
(a) of s. 4.

4. Subsection (a) of section 4 of said chapter 51, as amended by section 4 of said chapter 60, is hereby repealed, and the following substituted therefor:—

Grant of pre-emption without
proof of residence,
etc.

“(a.) In case any volunteer, or his substitute, has located or locates lands by pre-emption or otherwise, which lands have not been paid for, it shall be lawful for the Chief Commissioner of Lands and Works to grant the title to such pre-emption or location, or part thereof, to such pre-emptor or locator, without proof of residence or improvements; provided that there shall be granted to the applicant not more than one hundred and sixty acres of land for each separate volunteer right to land he seeks to have so applied; or he shall have the option to accept in lieu thereof a rebate from payment of these said lands to the extent of one hundred and sixty dollars for each separate volunteer right to land he seeks to have so applied.”

Volunteers who
re-enlisted entitled
to additional grant.

5. Persons mentioned in subsections (a) and (b) of section 2 of this Act, who went to South Africa and having served the full time of their enlistment and having returned to British Columbia again became volunteers within the meaning of said subsection (a) or (b), are hereby declared to be entitled, as being volunteers a second time, to an additional one hundred and sixty acres of land under said chapter 51 and amending Acts.

CHAPTER 25.

An Act to amend the "Vancouver General Hospital Act, 1902, c. 69.
1902."

[4th June, 1903.]

WHEREAS subsection (d) of section 23 of chapter 69 of the Statutes of 1902, being the "Vancouver General Hospital Act, 1902," provides for the contribution of the sum of fifty thousand dollars by the Corporation of the City of Vancouver to the funds of the Vancouver General Hospital for the erection of buildings for the use of said Hospital:

Preamble.

And whereas the said Act has been approved of by a majority of the municipal electors of the Corporation of the City of Vancouver, as provided for by section 25 of the said Act:

And whereas it is deemed advisable to grant power to the Corporation of the City of Vancouver to raise by way of debentures a loan, in order to enable the said Corporation to contribute the said sum of fifty thousand dollars for the purpose of erecting buildings as aforesaid, on the conditions contained in the said Act:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Vancouver General Hospital Act, 1902, Amendment Act, 1903."

Short title.

2. It shall, notwithstanding anything contained in the "Vancouver Incorporation Act, 1900," to the contrary, be lawful for the Mayor and Council of the City of Vancouver to pass a by-law authorizing the borrowing of a sum of fifty thousand dollars under the provisions of and subject to the conditions contained in section 105 of the "Vancouver Incorporation Act, 1900," such sum of fifty thousand dollars to be paid to the Vancouver General Hospital under the terms and conditions of subsection (d) of section 23 of the "Vancouver General Hospital Act, 1902."

Vancouver may pass by-law authorizing borrowing of \$50,000 to be paid to Vancouver General Hospital.

3. A by-law passed in pursuance of the preceding section shall not require the assent of the ratepayers of the City of Vancouver as provided for in case of by-laws passed under the provisions of sections 103, 104, 106 of the "Vancouver Incorporation Act, 1900."

Such by-law shall not require assent of electors.

4. The provisions of sections 103, 104, and 106, "Vancouver Incorporation Act, 1900," shall not apply to any by-law passed under the powers granted by section 2 hereof.

Ss. 103, 104, and 106 of "Vancouver Incorporation Act, 1900," not to apply to such by-law.

Debentures to have same effect as if by-law had been assented to by electors.

5. All debentures for the repayment of the said sum of fifty thousand dollars, issued under and by virtue of a by-law passed under the provisions of section 2 hereof, shall have full force and effect, and be binding on the Corporation of the City of Vancouver, as if the same had been authorized by a by-law duly passed and assented to by the ratepayers under the provisions of the "Vancouver Incorporation Act, 1900," and had been passed under and pursuant to the provisions of sections 103, 104, and 106 of the "Vancouver Incorporation Act, 1900."

CHAPTER 26.

With respect to this Act, see 1904, c. 54. An Act to secure to certain Pioneer Settlers within the Esquimalt and Nanaimo Railway Land Belt their Surface or Undersurface Rights.

[4th May, 1903.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

- Short title. 1. This Act may be cited as the "Vancouver Island Settlers' Rights Act, 1903."
- Interpretation. 2. In this Act, unless the context otherwise requires,—
 (a.) "Railway Land Belt" shall mean the lands described by section 3 of chapter 14, 46 Victoria, being "An Act relating to the Island Railway, Graving-dock, and Railway Lands in the Province";
 (b.) "Settler" shall mean a person who, prior to the passing of the said Act, took up land situate within the said Railway Land Belt with the bona-fide intention of living thereon.
- Crown grants. 3. It shall be lawful for the Lieutenant-Governor in Council, upon satisfactory proof being furnished by any person that he is a settler within the meaning of this Act, or that he has derived his title through a settler, to issue to such person, free of charge, a grant of all the rights vested in the Crown (save and except as to gold and silver) in respect of the lands taken up by the settler.
- Attorney-General may defend actions arising from such grants. 4. In case of any dispute arising between a person holding a Crown grant, issued as herein provided, and the Esquimalt and

Nanaimo Railway Company, with regard to the rights of such person under such Crown grant, the Attorney-General of the Province shall institute and carry on such suit or action as may be considered advisable in connection therewith, and the expenses and costs of all parties thereto shall be paid out of the Consolidated Revenue Fund of the Province.

CHAPTER 27.

An Act to authorize the Corporation of the City of Victoria to grant Exemption of Taxation and Water Rates to aid in the Establishment and Construction of a Tourists' Hotel in the City of Victoria.

[4th June, 1903.]

WHEREAS the Corporation of the City of Victoria desire statutory authority for the granting, conveying, or leasing certain lands belonging to them, or to be hereafter acquired, within the city limits, and also for granting exemption from certain taxes and water rates as an inducement to the construction, maintenance, and operation of a tourists' hotel: Preamble.

And whereas the construction of a tourists' hotel will greatly benefit the inhabitants of the City of Victoria:

Therefore, His Majesty, by and with advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. It shall be lawful for the Corporation of the City of Victoria to grant, convey, or lease (at such rent, for such term of years, and upon such terms and conditions as may be agreed upon) such portion as may be agreed upon of any lands of the Corporation of the City of Victoria, with or without money consideration, as the site of a tourists' hotel and appurtenances. City authorized to grant or lease site for tourists' hotel.

2. Notwithstanding anything in the "Municipal Clauses Act," chapter 144 of the Revised Statutes, and the Acts amending the said Act, contained, or in the Statute 36 Victoria, No. 20 (being the "Corporation of Victoria Waterworks Act, 1873"), and amending Acts, it shall be lawful for the City of Victoria to grant aid by way of bonus for the purpose of the construction, maintenance, and operation of a tourists' hotel, the following exemptions from City may aid construction of such hotel.

taxation for a period not exceeding fifteen (15) years, namely: A total or partial exemption from all taxes, rates, assessments, and impositions now or hereafter to be levied, assessed, and imposed by the Corporation of the City of Victoria upon lands and improvements, and from water rate or charge for supply of water.

By-laws.

3. It shall be lawful for the Council of the Corporation of the City of Victoria to make and from time to time to alter by-laws for the purposes of carrying into effect the powers by this Act given to the said Corporation.

Assent of electors.

4. Any such by-law passed pursuant to this Act shall, before the final passing thereof, receive the assent of the electors of the municipality in the manner provided for in section 75 of the "Municipal Clauses Act," as amended by the amending Acts.

Short title.

5. This Act may for all purposes be cited as the "City of Victoria Aid Act, 1903."

Adams River Railway Company	11th May, 1903.
Anglican Synod of the Diocese of Kootenay	4th June, 1903.
British Columbia Northern and Mackenzie Valley Railway Company	11th May, 1903.
Flathead Valley Railroad Company	11th May, 1903.
Kootenay, Cariboo, and Pacific Railway Company ..	11th May, 1903.
Kootenay Central Railway Company	4th June, 1903.
Kootenay Development and Tramways Company ...	4th June, 1903.
Morrissey, Fernie, and Michel Railway Company ...	11th May, 1903.
Nicola, Kamloops, and Similkameen Coal and Rail- way Company (Amendment)	4th June, 1903.
Pacific Northern and Eastern Railway Company ...	11th May, 1903.
Pacific Northern and Omineca Railway Company (Amendment)	11th May, 1903.
Port Simpson General Hospital	11th May, 1903.
Quatsino Railway Company	11th May, 1903.
Vernon and Nelson Telephone Company (Amend- ment)	11th May, 1903.

CHAPTER 11.

An Act respecting the Official Map of a Portion of
Comiaken District.

[10th February, 1904.]

WHEREAS in the year 1859 a survey was made of Comiaken District, and a map purporting to correctly represent such survey was compiled from the field-notes of the surveyor, and was and is deposited in the Land Registry Office, Victoria, as the official map of said district: Preamble.

And whereas numerous errors have been found to exist in said map which does not properly represent the said survey, or show the true location of the monuments planted to mark the boundaries thereby established:

And whereas there has been prepared a map of said part of Comiaken District which shows the surveyed lines as they actually are upon the ground, which said map, and the field-notes from which it is compiled, show clearly and correctly describe the boundaries of all parcels of land as accepted and in the possession of the property-owners at the present time, and agrees with the descriptions in the Crown grants and other title deeds to the property in part of said district heretofore erroneously described in reference to the aforesaid official map:

And whereas it is advisable, in order to remove all doubts and to secure the title of the land in part of said district to the parties to whom they justly belong, that the newly compiled map should be substituted for this portion of the old official map:

Therefore, His Majesty, by and with advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Comiaken Official Map Act, Short title. 1904."

2. The map or plan of "Portion of Comiaken District, B.C.," Substitutes a certain map for the official map of part of said district.
dated at the Lands and Works Department, Victoria, on seventeenth November, 1903, and bearing the signature of the Deputy Commissioner of Lands and Works, is hereby substituted as the official map of part of said district for and in the place and stead of the map or plan now on file in the Department of Lands and Works and in the office of the Registrar-General of Titles, part of which latter map or plan is hereby cancelled and declared null and void.

Copy of substituted map to be filed with Registrar-General of Titles.

3. A true copy of said substituted map shall be prepared and certified by the Deputy Commissioner of Lands and Works as a true copy of the original map, and deposited in the office of the Registrar-General of Titles.

To what map Crown grants, etc., to refer.

4. All Crown grants or certificates of title issued in respect of any lands situated in the part of said district, and all other deeds and documents in respect of any of the said lands in describing the parcels whereof reference is made to the official map or plan of Comiakén District, whether made, executed, or issued before or after the passing of this Act, shall be construed as referring, and shall be deemed to refer, to the official map or plan authenticated and validated by this Act and substituted for the plan hereby cancelled, and all such parcels shall be governed by the dimensions and descriptions shown upon or taken from said substituted map or plan.

Coming into force of Act.

5. This Act shall not come into force until a day to be fixed by Proclamation of the Lieutenant-Governor, published in the British Columbia Gazette.

CHAPTER 25.

1896, c. 25.

An Act to amend the "Royal Inland Hospital Act, 1896."

[12th December, 1903.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Royal Inland Hospital Act, 1896, Amendment Act, 1903."

Amends s. 6.

2. Section 6 of chapter 25 of the Statutes of 1896, being the "Royal Inland Hospital Act, 1896," is hereby amended by adding thereto the following subsection:—

Right to vote.

"(2.) No person shall be entitled to vote at any annual meeting unless he shall have paid his annual subscription to the secretary of the Hospital at least ten days prior to the holding of such annual meeting. It shall be the duty of the secretary of the Hospital to give a receipt for all such sums so paid as subscriptions, and to prepare, at least five days prior to the annual meeting, a correct list of all such subscriptions, for use at the annual meeting."

Midway and Vernon Railway Company10th February, 1904.

CHAPTER 48.

An Act to amend the "South African War Land Grant Act, 1901." 1901, c. 51.

[10th February, 1904.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "South African War Land Grant Act, 1901, Amendment Act, 1904." Short title.

2. Paragraph (e) of section 2 of chapter 51 of the Statutes of 1901, being the "South African War Land Grant Act, 1901," as enacted by section 2 of chapter 21 of the Statutes of 1903, is hereby amended by adding at the end of said paragraph the following: "Provided, however, that where an unmarried volunteer dies leaving him surviving a widowed mother, the said widowed mother may, at the discretion of the Lieutenant-Governor in Council, receive the grant of land to which her deceased son was entitled under this Act." Amends paragraph (e) of s. 2.
Widowed mother to receive grant to which deceased son entitled.

3. Section 5 of chapter 21 of the Statutes of 1903, being the "South African War Land Grant Act, 1901, Amendment Act, 1903," is hereby amended by striking out the words "and having returned to British Columbia" in the third line thereof. Amends s. 5 of c. 21 of 1903.
Grant to volunteers who re-enlisted.

CHAPTER 50.

An Act to amend the "Trail Incorporation Act, 1901." 1901, c. 57.

[12th December, 1903.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Trail Incorporation Act, 1901, Amendment Act, 1903." Short title.

Section added.

2. Chapter 57 of the Statutes of 1901, being the "Trail Incorporation Act, 1901," is hereby amended by adding thereto the following section:—

Grant to city of Lot 1073 confirmed.

"22. The grant by the Crown to the Corporation of the City of Trail, bearing date the third day of June, 1902, of that parcel of land described as Lot 1073, Group One, Kootenay District, is hereby confirmed, and the said Corporation is hereby authorized to subdivide said land and to sell the same, upon such terms as may be agreed upon by the Council of said city, and also to reconvey to the Crown the lots or blocks the Crown will become entitled to upon such subdivision."

City authorized to subdivide and sell said land.

CHAPTER 51.

1903-4, c. 50.

An Act to amend the "Trail Incorporation Act, 1901, Amendment Act, 1903."

[10th February, 1904.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Amends s. 22 of "Trail Incorporation Act," as enacted by s. 2 of c. 50 of 1903-4.

1. Section 22, added to chapter 57 of the Statutes of 1901, being the "Trail Incorporation Act, 1901," by section 2 of the "Trail Incorporation Act Amendment Act, 1903," is hereby amended by adding the following words thereto:—

Corporation need not reconvey to Crown any portion of subdivided lands.

"Provided, however, that notwithstanding anything in the said Crown grant contained, the said Corporation shall not be required to reconvey any portion of the subdivided lands to the Crown."

CHAPTER 54.

An Act to secure to certain Pioneer Settlers within the Esquimalt and Nanaimo Railway Land Belt their Surface and Undersurface Rights.

[10th February, 1904.]

WHEREAS certain persons who settled upon lands within the belt reserved for railway purposes on Vancouver Island by Order in Council dated thirtieth June, 1873, prior to the passing of chapter 14 of 47 Victoria, have been unable to obtain titles in fee-simple to the lands occupied by them: Preamble.

And whereas said reserve was made in order to carry out the provision of section 11 of the Terms of Union, which section expressly enacts that the Government of British Columbia shall not within the time mentioned in said section sell or alienate any further portion of the public lands of British Columbia in any other way than under right of pre-emption, requiring actual residence of the pre-emptor on the land claimed by him:

And whereas said section 11 of the Terms of Union further provides that lands in lieu of the lands so alienated by Crown grant or right of pre-emption shall be reserved in contiguous lands:

And whereas the Order in Council of thirtieth June, 1873, reserving said lands, and as continued by Order in Council dated twenty-fifth July, 1873, was assented to by the Government of Canada by Order in Council dated third September, 1873:

And whereas, by sections 4, 5, and 6 of chapter 14 of 47 Victoria, the Legislature of British Columbia did comply with the said section 11 of the Terms of Union by withholding from or excepting out of the grant to Canada for railway purposes all those lands alienated up to the passing of the said Act, and did provide by said sections 4 and 5 lands in lieu of the lands so excepted out of the grant to be conveyed for railway purposes:

And whereas certain of the settlers within the Esquimalt and Nanaimo Railway Land Belt were evicted in 1895 at the instance of the Esquimalt and Nanaimo Railway Company, on decision of the Courts that the land was not open for settlement:

And whereas all of said settlers are entitled to peaceable and absolute possession of said land occupied by them and title thereto in fee-simple, in accordance with the Statutes of British Columbia at the time existing governing the disposal of public lands:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

- Short title. 1. This Act may be cited as the "Vancouver Island Settlers' Rights Act, 1904."
- Interpretation. 2. In this Act, unless the context otherwise requires,—
 (a.) "Railway Land Belt" shall mean the lands described by section 3 of chapter 14 of 47 Victoria, being "An Act relating to the Island Railway, the Graving-dock, and Railway Lands of the Province":
 (b.) "Settler" shall mean a person who, prior to the passing of the said Act, occupied or improved lands situate within the said Railway Land Belt with the bona-fide intention of living thereon.
- Crown grant. 3. Upon application being made to the Lieutenant-Governor in Council, within twelve months from the coming into force of this Act, showing that any settler occupied or improved the land within said Railway Land Belt prior to the enactment of chapter 14 of 47 Victoria with the bona-fide intention of living on the said land, accompanied by reasonable proof of such occupation or improvement and intention, a Crown grant of the fee-simple in such land shall be issued to him or his legal representative free of charge and in accordance with the provisions of the "Land Act" in force at the time when said land was first so occupied or improved by said settler.
- Rights of grantee to be asserted by Crown. 4. The rights granted to the settler under this Act shall be asserted by and be defended at the expense of the Crown.
- Repeal. 5. Chapter 26 of the Statutes of 1903, being the "Vancouver Island Settlers' Rights Act, 1903," is hereby repealed: Provided, however, that all applications made by settlers for Crown grants under the said Act shall be deemed to have been made under this Act.

Victoria Municipal Election 2nd February, 1904.
 British Columbia Insurance Company 10th February, 1904.
 Coast-Yukon Railway Company 10th February, 1904.
 Cowichan, Alberni, and Fort Rupert Railway
 Company 10th February, 1904.

CHAPTER 60.

An Act to enable the City of Vancouver to acquire any Lands and Interests in, on, or adjoining the Foreshore of a certain Portion of False Creek, Vancouver.

[10th February, 1904.]

WHEREAS the Corporation of the City of Vancouver has by its Preamble.
petition prayed that it be enacted as hereinafter set forth,
and it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. If the Council of the Corporation of the City of Vancouver (hereinafter called "the Corporation") requires for the purpose of altering, reclaiming, or improving the said bed or foreshore of False Creek, the construction of streets, erection of docks, wharves, harbours therein or thereon, to purchase, take, or extinguish any lands, rights, littoral, riparian interests, rights of access to the waters of False Creek, or foreshore rights in, on, or contiguous to the foreshore and waters of all that portion of False Creek described as follows: "The whole bed and foreshore of False Creek, east of Westminster Avenue bridge, as shown on a plan of the City of Vancouver signed by the Chief Commissioner of Lands and Works and Mayor of the City of Vancouver and filed in the Department of Lands and Works, Victoria, B.C., on the fourteenth day of August, 1900," the Corporation may expropriate the same, subject to the following conditions, viz.: The Council of the Corporation shall give notice thereof to all corporate bodies and parties interested in such lands, littoral, riparian, foreshore rights or interests, and all such notices shall demand from such parties the particulars of their estate and interest in such land, riparian rights, or littoral, foreshore, access to the waters of False Creek or waters, and of the claims made by them in respect thereof; and every such notice shall state, as far as practicable, the particulars of the lands or interest so required, and that the Corporation is willing to treat for the purchase thereof, and as to the compensation to be made to all corporate bodies or parties for the loss or damage that may be sustained by them by reason of the expropriation of such lands or interests. Expropriation of False Creek foreshore rights.

2. All notices required to be served by the Corporation upon any Notices.
person interested in or entitled to sell any such lands, riparian, littoral rights or interests shall be served in the same manner as a writ of summons in an action in the Supreme Court.

Compensation.

3. If for sixty days after the service of such notice any person shall fail to state the particulars of his claim in respect of any such land, or to treat with the Corporation in respect thereof, or if such person and the Corporation shall not agree as to the amount of the compensation to be paid for such lands or the interest in such lands, riparian, littoral, or otherwise, belonging to such person, the amount of such compensation shall be settled in the manner herein-after provided.

Arbitration.

4. If the owners of the lands or interests refuse to accept the amount offered for such land or riparian, littoral, or foreshore rights, interests, or rights of access, or to agree on the amount or to give particulars as hereinbefore provided, the amount (if any) to be paid, or land, being a portion of the bed of False Creek, to be given in lieu of money by the Corporation for such riparian, littoral, or foreshore rights or interests so expropriated, shall be determined by arbitration pursuant to the provisions of the "Arbitration Act."

Valuation.

5. In arriving at the value of any lands, rights, or interests expropriated, the arbitrators shall take the value of the lands, rights, or interests at the date of the approval of the plan by the Lieutenant-Governor in Council.

Vesting.

6. Upon payment or legal tender of the amounts so awarded or agreed upon, or conveyances of portions of the bed of False Creek in lieu thereof to the person entitled to receive it, or upon payment into the Supreme Court of British Columbia of the amount of such compensation under the award or agreement, the lands, rights, or interests so expropriated shall vest in the Corporation, and there shall vest in the Corporation power to forthwith take possession of the lands or interests the subject of the award or agreement; and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to put down such resistance and to put the Corporation in possession.

Grant by Lieut.-Governor in Council.

7. The Lieutenant-Governor in Council may and he is hereby empowered, on application by the Council of the Corporation, which application shall be made by the said Council before expropriation, at any time to vary the conditions of the grant of the said bed of False Creek granted to the said Corporation pursuant to chapter 42 of the Statutes of British Columbia, 1900, by a Crown grant dated the third day of March, 1902, by granting powers to the Council of the said Corporation to make a grant in fee-simple of any portion of the foreshore of False Creek lying adjacent to any lands, the riparian, littoral, or foreshore rights of which may be

expropriated, to the owners of such lands in lieu of or in addition to paying money for the same in accordance with the decision of the arbitrators appointed to decide on the value of the said riparian, littoral, or foreshore interests expropriated and the compensation to be paid, or lands to be granted in lieu thereof, as hereinbefore provided.

8. Provided that the provisions of this Act shall not come into force or effect until a plan or scheme of reclamation of the said bed of False Creek has been adopted by the Council of the Corporation and approved of by the Lieutenant-Governor in Council, and a by-law has been submitted to and received the assent of the electors of the City of Vancouver entitled to vote on money by-laws, under and in accordance with the provisions of section 103 of the "Vancouver Incorporation Act, 1900," which section shall apply in the same manner and to the same extent as if the same had been set forth in this Act, authorizing the carrying-out of the said works of reclamation according to the plan adopted by the Council, and for authorizing the raising, by way of debentures, the necessary moneys, on the credit of the City of Vancouver, to pay for the same, payable by instalments spread over a number of years, and for levying rates for payment of such debts on the rateable property of the city, and for pledging or hypothecating any rents or revenue to be derived from the premises reclaimed, harbour or docks, for the payment of the debts, in addition to or in lieu of the general credit of the city.

Condition precedent to this Act coming into force.

9. The debts or obligations incurred under the provisions of any by-law passed in pursuance of the powers herein contained shall be made repayable within fifty years at furthest from the date on which the debentures are issued.

Payment of debts incurred under this Act.

10. When such by-law has received the assent of the electors as herein provided for, it shall not be altered, amended, or repealed by the Council, except with the consent of the Lieutenant-Governor in Council; and every such by-law and the debentures issued hereunder shall be absolutely valid and binding upon the Corporation according to the terms thereof, and shall not be quashed or set aside on any ground whatever unless upon application to some Court of competent jurisdiction made within one month after the passing of the third reading thereof.

Amendment of by-law.

11. Sections 107, 108, 109, and 110 of the "Vancouver Incorporation Act, 1900," shall apply in the same manner and to the same extent as if the same had been set forth clause by clause in this Act.

Application of certain sections of "Vancouver Incorporation Act."

12. Notwithstanding anything contained in the section 105 of the "Vancouver Incorporation Act, 1900," any debts incurred by the City of Vancouver under the powers contained in this Act shall not

Debts incurred under this Act not to be included in aggregate debt of city referred to in s. 105. "Vancouver Incorporation Act."

be included in the aggregate debt of the city, referred to in the said section, and it shall not be calculated in arriving at the amount of indebtedness of the city, so that the Corporation can incur an indebtedness amounting to twenty per cent. of the assessed value of the real estate of the said city, exclusive of the indebtedness incurred under the provisions of this Act.

Adoption and
approval of plan by
Lieut.-Governor in
Council.

13. The plan hereinbefore referred to shall be adopted and approved of by the Lieutenant-Governor in Council, and the by-law assented to by the electors as hereinbefore provided before the first day of January, 1907, and the by-law assented to by the electors as hereinbefore provided, and the expropriation proceedings commenced on or before the first day of January, 1908, and continued with expedition till completed.

Construction to be
placed upon expro-
priation powers
hereby granted.

14. The power of expropriation given by this Act shall, in so far as this Legislature has power to enact the same, be paramount to any powers of expropriation heretofore given to any corporation or person.

Short title.

15. This Act shall be called the "False Creek Foreshore Act, 1904."

Granby Consolidated Mining, Smelting, and

Power Company (Amendment)10th February, 1904.

Vancouver Incorporation (Amendment)10th February, 1904.

[This Act is consolidated with other Acts relating to the same subject.]

CHAPTER 20.

An Act to adjust Dyking Assessments.

[8th April, 1905.]

WHEREAS, under authority of the "Dyking Debenture Act, 1897," the Government of British Columbia purchased certain

debentures of the Maple Ridge, Coquitlam, Pitt Meadows, Matsqui, and Sumas Dyking Districts, set out in the Schedules to the said Act, amounting to three hundred and twenty-four thousand dollars, as follows:—

Maple Ridge	\$126,000 00
Coquitlam	70,000 00
Pitt Meadows	60,000 00
Matsqui	50,000 00
Sumas	18,000 00

\$324,000 00

and expended further sums in completing, extending, and strengthening the dyking-works in said districts and in paying the just liabilities of the Commissioners theretofore acting for the said several districts:

And whereas capital assessments were imposed in respect of the expenditure aforesaid against the lands in the said districts, and by section 13 of the "Public Dyking Act, 1898," such assessments were duly confirmed as follows:—

Maple Ridge	\$185,364 18
Coquitlam	115,742 90
Pitt Meadows	79,938 99
Matsqui	106,445 24
Sumas	19,728 75

and the repayment of the said amounts to the Government, together with interest thereon at the rate of three and one-half per centum per annum, was secured against said lands as a debt due to the Province of British Columbia, and the sinking fund of one and one-half per centum per annum upon the said capital assessments was confirmed and charged upon the lands assessed in the said districts:

And whereas a capital assessment of one hundred and fifty-five thousand dollars was made against the assessable lands in the Chilliwack Dyking District in respect of moneys expended by the Government under the provisions of the said "Public Dyking Act, 1898," and amending Act of 1899, on the construction of dyking-works in that district:

And whereas, under authority of the said "Public Dyking Act, 1898," and amending Acts, further sums were expended by the

Government in completing, repairing, operating, and maintaining the said dyking-works in the said districts:

And whereas the total expenditure made by the Province of British Columbia in respect of the matters aforesaid up to the first day of November, 1904, amounts to nine hundred and eighty-one thousand two hundred and nineteen dollars and ten cents, as follows:—

	Capital Account.	Maintenance Vote.	Total.
Chilliwack	\$263,878 11	\$26,021 68	\$289,899 79
Maple Ridge	201,197 79	20,784 17	221,981 96
Coquitlam	135,148 71	16,131 64	151,280 35
Pitt Meadows ...	83,250 61	5,622 50	88,873 11
Matsqui	185,485 03	24,430 57	209,915 60
Sumas	19,268 29	19,268 29

Total	\$888,228 54	\$92,990 56	\$981,219 10
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And whereas there has already become due in respect of the said assessments the sum of two hundred and twelve thousand four hundred and one dollars and two cents, of which the sum of nine thousand five hundred and seventy-two dollars and thirty cents only has been paid, and the sum of two hundred and two thousand eight hundred and twenty-eight dollars and seventy-two cents now remains overdue and unpaid:

And whereas the owners and occupiers of the said lands included in the said districts have represented that the amounts required to be paid yearly for interest and sinking fund in respect of the said capital assessments are greater than they are able to meet, and that such capital assessments being charged against their lands prevents the progress and development of the said districts:

And whereas, in order that the Province may recover some portion of the moneys expended as aforesaid and that the progress and development of the said districts may not be retarded, it is deemed advisable in the public interests that the assessments imposed on the said lands should not be greater than the owners and occupiers thereof can pay:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the “Dyking Assessments Adjustment Act, 1905.”

Cancellation of
dyking assessments
heretofore made.

2. (1.) All the amounts heretofore charged against the lands in the Maple Ridge, Coquitlam, Pitt Meadows, Matsqui, Sumas, and Chilliwack Dyking Districts in connection with the construction of dyking-works in the said districts, and the several memoranda and assessment rolls heretofore filed in the Land Registry Office at New Westminster by the Inspector of Dykes in respect of such charges, are hereby cancelled.

(2.) This section shall not be construed to invalidate contracts between vendors and purchasers of lands affected by this Act respecting the payment of back dyking rates, but the rate imposed by this Act in lieu of or in substitution for such back dyking rates shall be deemed to be those mentioned in such contracts within the limits mentioned therein.

3. The sum of nineteen thousand two hundred and sixty-eight dollars and thirty-nine cents heretofore charged against the lands in Sumas Dyking District, together with all annual assessments levied against the said lands in respect thereof, are hereby discharged and remitted.

Remission of assessments in Sumas Dyking District.

4. On the coming into force of this Act, there shall be charged against all the lands in the following districts, assessable for dyking purposes under any Act now in force, as shown by the plans of such lands filed in the said Land Registry Office, the following amounts (hereinafter called "capital charges"), namely:—

Amounts to be assessed against district for capital assessment and interest.

Maple Ridge District, one hundred and twenty-seven thousand three hundred and ninety-six dollars:

Coquitlam District, fifty-seven thousand nine hundred and eighty-eight dollars:

Pitt Meadows District, thirty-four thousand eight hundred and sixty-eight dollars:

Matsqui District, one hundred and twenty-five thousand dollars:

Chilliwack District, two hundred thousand dollars.

And the repayment of said capital charges to the Government, with interest thereon at the rate of three and one-half per centum per annum, from the first day of January, 1905, on the amounts charged against the lands in the Maple Ridge, Coquitlam, Pitt Meadows, and Chilliwack Districts, and from the first day of January, 1908, on the amount charged against the lands in the Matsqui District, is hereby secured as a debt due to the Province of British Columbia.

5. The said capital charges against the lands in the Maple Ridge, Coquitlam, Pitt Meadows, and Chilliwack Districts shall be paid within forty years from the coming into force of this Act, and the interest thereon, at the rate aforesaid, shall be paid yearly on the thirty-first day of December in each and every year; and the said capital charge against the lands in the Matsqui District shall be paid within forty-three years from the coming into force of this Act, and the interest thereon from and after the first day of January, 1908, at the rate aforesaid, shall be paid yearly on the thirty-first day of December in each and every year.

Time for payment.

6. All sums heretofore charged and assessed against said lands and all moneys heretofore expended by the Government of British Columbia in the construction, operation, maintenance, repair,

Remission of all sums expended other than those assessed for under s. 4 hereof.

management, including interest paid on dyking debentures advanced from banks, or otherwise in connection with the dyking-works in the said districts in excess of the capital charges directed by section 4 of this Act to be made against the lands in the said districts respectively, are hereby discharged and remitted and assumed by the Province, chargeable against the consolidated revenue.

Inspector of Dykes,
his appointment and
duties.

7. The Lieutenant-Governor in Council may from time to time appoint an officer who, with his successors, shall be called the "Inspector of Dykes," and who shall have control and charge of operating, maintaining, and repairing the dyking-works in the said districts, other than the Sumas District. The Inspector of Dykes appointed under the "Public Dyking Act, 1898," shall hold office under this Act until his successor is appointed.

Oath of office.

8. Before entering upon the duties of his office, the Inspector shall take an oath (which shall be filed in the Provincial Secretary's office) before a Justice of the Peace, and also give security to the satisfaction of the Lieutenant-Governor in Council to faithfully perform the duties of his office.

Assessment roll for
each district to be
prepared and filed.

9. The Inspector of Dykes shall, on the coming into force of this Act, prepare and file in the Land Registry Office for the district in which the lands affected are situated a memorandum and assessment roll for each district, made in accordance with the form in Schedule A hereto for the Coquitlam, Pitt Meadows, Matsqui, and Chilliwack Districts, and in the form in Schedule B hereto for the Maple Ridge District, showing—

- (1.) The area of assessable land and the amount of the capital charge thereon as fixed by section 4 of this Act:
- (2.) The amount to be raised annually both to pay off the interest and to form a sinking fund to pay the principal at maturity:
- (3.) The names of the owners of and the description and acreage of each lot or section:
- (4.) The capital charge against the total area of land held by each owner; and
- (5.) The annual assessment thereon.

Revised assessment
roll.

10. The Inspector of Dykes, when necessity therefor arises through change of ownership or area, may file a revised assessment roll for any district in the Land Registry Office for the district on or before the first day of November in each or any year.

Notice of assess-
ment.

11. Immediately upon the filing of the said memorandum and assessment roll for each district, the Inspector of Dykes shall mail, postage prepaid, a notice in the form in Schedule C hereto to the last-known address of each owner of any lands in the Coquitlam, Pitt Meadows, Matsqui, and Chilliwack Districts respectively, and

in the form in Schedule D hereto to the last-known address of each owner of any lands in the Maple Ridge District, of the filing of such memorandum and assessment roll, and furnish him with a copy of so much of the said assessment roll as refers to his land, with a notice of the date on and place at which such assessment is payable.

12. The sinking fund to be formed to provide for the payment of the said capital charges at maturity shall be at the rate of one and one-half per centum per annum upon such capital charges.

13. The cost of operating, maintaining, repairing, and managing the dyking-works in the said districts may be advanced by the Minister of Finance from the Consolidated Revenue Fund of the Province, but all sums so advanced shall be repaid forthwith upon collection of the assessments made by section 14 hereof.

14. (1.) To provide for the cost of operating, maintaining, repairing, and managing the dyking-works in the said districts, the Inspector of Dykes shall, on or before the first day of November in each year, prepare and file in the Land Registry Office for the district in which the lands affected are situated a memorandum and assessment roll for each district, made in accordance with the form in Schedule E hereto for the Coquitlam, Pitt Meadows, Matsqui, and Chilliwack Districts, and in the form in Schedule F hereto for the Maple Ridge District; and each such memorandum and assessment roll shall state the total cost of operating, maintaining, repairing, and managing the said dyking-works in the district to which it refers for the twelve months ending the thirtieth day of September in such year, and the amount payable by each owner of lands in such district in respect thereof.

(2.) Immediately upon the filing of the memorandum and assessment roll in the preceding subsection mentioned for each district, the Inspector of Dykes shall mail, postage prepaid, a notice in the form in Schedule G hereto to the last-known address of each owner of any lands in the Coquitlam, Pitt Meadows, Matsqui, and Chilliwack Districts respectively, and in the form in Schedule H hereto to the last-known address of each owner of any lands in the Maple Ridge District, of the filing of such memorandum and assessment roll, and furnish him with a copy of so much of such assessment roll as refers to his land, with a notice of the date on and place at which such assessment is payable.

15. The Inspector of Dykes shall credit, on the assessments to be made under the provisions of section 9 of this Act, to the owners and occupiers of lands in the said districts all sums heretofore paid in respect of their several lands under the assessment rolls cancelled by this Act, such credits to be applied, so far as they may extend, on the first and immediately following assessments from time to time as they shall become due.

Salary of Inspector of Dykes and of other officers to be regarded as costs of maintenance.

16. The Inspector of Dykes shall be paid such salary as may be determined by the Lieutenant-Governor in Council, and the amount of such salary, and of the salaries of all officers who may be appointed under the provisions of section 9 of the "Public Dyking Act, 1898," shall be included in the cost of the management of the said dyking-works, and shall be apportioned among the said districts in the proportion that the acreage of assessable lands in each district bears to the total acreage of assessable lands in all said districts.

Assessments payable 31st December of each year.

17. The said assessments to be raised annually under sections 9 and 14 of this Act for payment of interest, sinking fund, and cost of operating, maintaining, repairing, and managing the said dyking-works shall be payable on the thirty-first day of December in each year to the Inspector of Dykes at his office, or to such other person as may be appointed by the Lieutenant-Governor in Council to collect the same: Provided, however, that no assessment for interest or sinking fund in respect of the capital charge made against the lands in the Matsqui District shall be payable until the thirty-first day of December, 1908.

Assessments to be a lien on lands affected.

18. Upon filing in the said Land Registry Office the memoranda and assessment rolls provided for by this Act, the assessments thereby made shall be and remain until paid a first charge against the several lots or sections of land assessed thereby.

Apportionment of assessments.

19. All assessments to be made under the provisions of this Act shall be made upon all the lands in the said districts assessable for dyking purposes under any Act now in force, in the same proportion as the original assessments, cancelled by section 2 of this Act, were distributed.

Interest on assessments.

20. All assessments made under this Act shall bear interest at the rate of six per cent. per annum from the time the same become due and payable until paid, and said interest shall be a charge against the lands on which the assessments are unpaid, in all respects as if such interest had originally formed part of such assessments, and may be recovered as a part of such assessments.

Sale of land for unpaid assessments.

21. In the event of any of the assessments imposed by this Act becoming due and remaining unpaid in whole or in part, the land in respect of which said assessments are owing shall be sold as hereinafter provided and the proceeds applied in payment of the assessments then remaining due and unpaid.

Notice of sale to be given to owners or occupiers.

22. On or before the first day of February in each year the Inspector of Dykes shall mail, postage prepaid, to the last-known address of the owner or occupier of any lands in the said districts the assessments on which remain wholly or in part unpaid, a notice

stating the amount of the assessments on such lands then due and remaining unpaid, and that interest thereon at the rate of six per cent. per annum will be added thereto until paid, and that if said assessments and interest are not paid before the first day of March thereafter said lands will be exposed for sale at public auction on the third Monday in the following April, and that no further notice will be given except by publication in the British Columbia Gazette and in a newspaper as hereinafter provided.

23. The capital charge made, under the provisions of this Act, against any lot or section of land in the said districts may be discharged at any time upon payment of the amount owing in respect of such capital charge, and in determining such amount, account shall be taken of the sums paid for sinking fund in respect of such capital charge, together with interest on such sums at the rate of three per centum per annum from the time of payment thereof. Upon payment of the amount owing on the capital charge made against any lot or section of land, the Inspector of Dykes shall deliver to the person making such payment a statement, signed by him, describing the lot or section of land affected by such capital charge, and stating that the amount owing on such capital charge has been paid, and that the said lot or section of land shall not be liable for any further assessments in respect of such capital charge; and such statement may be registered in the Land Registry Office for the district in which the said lot or section of land is situated, on payment of a fee of one dollar.

Discharge of capital charge.

24. Before offering any land for sale the Inspector of Dykes shall cause to be published a notice of such sale in one issue of the British Columbia Gazette and also in four consecutive issues of a weekly newspaper circulating in the said districts, or in one issue a week for four consecutive weeks (the same day in each week) of a daily newspaper circulating in the said districts. In such notice the Inspector of Dykes shall state the name of the registered owner of the land on which assessments remain unpaid, a short description of such land (which description shall be given as the lot, portion of lot, section, portion of section, block, township, range, group, or other division by which the land is commonly known), the amount of the unpaid assessments and interest to day of sale in one column set opposite each parcel, and the costs and expenses, including the costs of advertising, in another column, and the total amount due in a third column, and that if the total amount due is not sooner paid he will, on the third Monday in the following April, at the Court-house in the City of New Westminster, offer such land for sale at public auction.

Notice of sale to be published in Gazette and newspapers.

25. If the assessments, interest, costs, and expenses have not been previously paid, or if no person appears to pay the same at the time

Sale.

and place fixed for the sale, the Inspector of Dykes shall, on the day fixed, sell the land described in said notice to the highest bidder. The Inspector of Dykes shall offer each parcel of land as described in said notice separately at an upset price, which upset price shall be the total amount due as set out in the third column of said notice. In the event of there being no bid over the upset price, the person bidding the upset price shall be declared the purchaser.

Sale certificate and statement of amount of assessments, interest, and costs.

26. When a sale of land is made for unpaid assessments the Inspector of Dykes shall give a statement, in detail, with each certificate of sale, showing the amount of assessments, interest and costs included in the purchase price thereof, and if there is a surplus over the upset price realized he shall state the amount of such surplus thereon, and forward a copy of the certificate and statement to the Provincial Treasury. The Minister of Finance, on receiving such statement, shall place the said surplus to the credit of the person whose land was sold, and hold the same in trust for him until he redeems the land as hereinafter provided, or if he does not redeem the land within the period limited for such redemption, then such surplus shall be paid over to the said person, or his legal representatives, without interest.

Adjournments of sale.

27. If the Inspector of Dykes should find it impracticable to finish the sale on the day fixed therefor, he may adjourn the same from day to day until finished, but he shall not adjourn for a longer period than two days at one adjournment.

Forfeiture of unsold lands.

28. If the Inspector of Dykes fails to sell any land at any such public auction, or adjournment thereof, at the upset price, the said land shall thereby be absolutely forfeited to and vested in the Crown for the use of the Province, free from all encumbrances, and within thirty days after such forfeiture the Inspector of Dykes shall prepare a certificate under his hand, setting forth that the land had been publicly exposed for sale for the amount of such unpaid assessments on the day appointed for the purpose in accordance with this Act, and that no sale having been effected the land was thereby absolutely forfeited to and vested in the Crown for the use of the Province, free from all encumbrances. One copy of said certificate he shall forward to the District Registrar of the district in which said land is situate, and the other to the Chief Commissioner of Lands and Works, and they shall duly register the same in their respective records:

- (1.) Upon any such forfeiture the owner shall thereupon be released from all liability in respect of the assessments upon the land so forfeited as aforesaid:
- (2.) Any sale of such lands so forfeited shall be made on the condition that the land sold shall be liable for assessments which would thereafter have accrued thereon but for such forfeiture.

29. If the purchaser of any parcel of land fails immediately to pay the Inspector of Dykes the amount of the purchase-money, the Inspector of Dykes shall forthwith again put up the property for sale.

Sales to be for cash only.

30. The Inspector of Dykes, after selling any land at public auction as aforesaid, shall give a certificate under his hand to the purchaser, describing the land sold as advertised, the sum for which it was sold, the costs and expenses, and the surplus (if any), and further stating that a deed, conveying the same to the purchaser or his assigns, will be executed by him, on his or their demand, at any time after the expiration of two years from the date of the sale, if the land be not previously redeemed, upon payment of the fee hereinafter provided.

Sale certificate.

31. When the Inspector of Dykes sells land for unpaid assessments he shall immediately thereafter mail a letter addressed to the registered owner of such land, informing him of the name of the purchaser and the amount for which the land was sold.

Notice to registered owner of land of particulars of sale.

32. The owner of any land which shall hereafter be sold for unpaid assessments, or his heirs, executors, administrators, or assigns, or any other person in his or their behalf, may, at any time within one year from the day of the sale, redeem the land sold by paying or tendering to the Inspector of Dykes, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, including any assessments thereon paid by said purchaser since the day of sale, together with interest at twelve per centum per annum thereon; and the Inspector of Dykes shall give to the party paying such redemption-money a receipt, stating the sum paid and the object of the payment, and such receipt shall be in evidence of the redemption.

Redemption.

33. In the event of there having been a surplus over the upset price at the time of the said sale paid by the purchaser, the same shall be paid into the Treasury and shall stand at the credit of the person entitled to redeem upon the books of the Treasury of the Province, the Inspector of Dykes shall deduct said amount so standing to the credit of such person from the amount required by him for redemption, but without allowing interest thereon; and from the person so redeeming the Inspector of Dykes shall accept the amount of the upset price, together with any assessments that may have been advanced by the purchaser during the period allowed for redemption, together with the interest at the rate of twelve per centum per annum on said upset price, money advanced for assessments, and also upon the said surplus, which sums together represent the actual moneys paid by the purchaser.

Disposition of surplus over upset price.

Disposition of surplus in event of no redemption.

34. In the event of there being no redemption, the said surplus shall be paid to the person entitled to redeem, or his legal representatives, without interest, on written application therefor to the Deputy Minister of Finance.

Repurchase of lands forfeited to Crown.

35. Where no sale has been effected at the public auction hereinbefore mentioned, and the lands have been thereby forfeited to and vested in the Crown, and the certificate thereof has been registered in the Land Registry Office, the assessed owner appearing on said advertised list of unpaid assessments, or his executors, administrators, or assigns, shall have the privilege, subject to the provision hereinafter mentioned, of repurchasing the land so forfeited, and not otherwise disposed of, from the Province, at a price equal to the amount of the upset price at said sale, together with the interest thereon, at the rate of six per centum per annum from the day of sale, together also with the assessments due up to the date of repurchase, with interest thereon at the rate of six per centum per annum from the date when such assessments became due, and a fee of ten dollars for the deed thereof. Written application shall be made for repurchase to the Chief Commissioner of Lands and Works on or before the expiration of one year from the day of sale: Provided, however, that the Chief Commissioner of Lands and Works, on behalf of the Province, shall at any time after the certificate to said lands has been registered in the Land Registry Office, notwithstanding the privilege above mentioned, have the right at any time, if he considers it in the interests of the Province to do so, to sell the said lands to any person at any price he may from time to time put upon said lands, but such price shall not be less than the price of similar lands under the "Land Act." The lands so forfeited to the Crown shall not be subject to pre-emption under the provisions of the "Land Act."

Notice of redemption.

36. Upon payment or tender being made for redemption of any land sold at public auction sale, it shall be the duty of the Inspector of Dykes to forward by registered letter to the last-known post-office address of the purchaser thereof at said public sale a notice in writing stating that such property has been so redeemed, and that the amount to which he may be entitled out of the amount so paid in redemption shall be paid to him on production and delivery of the certificate of sale.

Termination of rights of tax-sale purchaser in land.

37. From the time of a tender to the Inspector of Dykes of the full amount of redemption-money required by this Act, the said purchaser shall cease to have any further right in or to the land in question.

Deed to tax purchaser.

38. If the land be not redeemed within the period so allowed for its redemption as aforesaid, then, on demand of the purchaser, or

his assigns or other legal representative, at any time afterwards, and on payment of ten dollars, the Inspector of Dykes shall prepare, execute, and deliver to him or them a deed of the land sold, in which deed any number of lots in any one district may be included at the request of the purchaser or any assignee of the purchaser.

39. Such deed shall be in the form or to the same effect as in Schedule I to this Act, and shall state the date and the cause of the sale and the price, and shall describe the land as herein provided, and shall, on compliance with the provisions of the "Land Registry Act," vest the said lands in fee-simple in the purchaser, free from all encumbrances, save and except assessments which shall thereafter become due thereon under this Act and existing liens in favour of the Crown and the reservations and exceptions contained in the original grant thereof from the Crown; and the Registrar-General of Titles, upon production of the deed and application in the usual form, and payment of the usual fees, shall register or record the same in the usual manner.

Form of tax-sale deed.

40. In any proceedings in any Court in this Province a deed purporting to be issued for a sale of lands for arrears of assessments purporting to be executed in the manner provided by this Act shall be prima facie evidence that such deed is the deed which it purports to be, and that the sale alleged in said deed was conducted in a fair and open manner, and that there were assessments due and in arrear upon the land described in said deed at the time of the sale for which the same could be sold.

Tax-sale deed as prima facie evidence.

41. A deed given by the Inspector of Dykes under the provisions of this Act shall, in any proceedings in any Court in this Province, and for the purpose of the "Land Registry Act," except as herein-after provided, be conclusive evidence of the validity of the assessment of the land, the sale of land for the assessments, and all other proceedings leading up to the execution of such deed; and notwithstanding any defect in such assessment, sale, or other proceedings, no such deed shall be annulled or set aside, except upon the following grounds and no other:—

Tax-sale deed as conclusive evidence.

- (a.) That the sale was not conducted in a fair and open manner:
 - (b.) That the assessments for the year or years for which the land was sold had been paid; or
 - (c.) That the land was not liable to assessment for the year or years for which it was sold.
- Exceptions.

42. It shall not be the duty of the Inspector of Dykes of any district to make inquiry before effecting a sale of lands for assessments to ascertain whether or not there is any distress upon the land, nor shall he be bound to inquire into or form any opinion of the value of the land; and if any assessments in respect to the lands

Inquiries that need not be made by Inspector of Dykes before effecting sale.

sold by the Inspector of Dykes in pursuance and under the authority of this Act shall have been due, and the land shall not be redeemed within the period hereinbefore allowed for redemption, such sale and the official deed to the purchaser of any such lands shall be final and binding upon the former owners of the said lands, and upon all persons claiming by, through, or under them, it being intended by this Act that all owners of land shall be required to pay the unpaid taxes and interests, costs, commissions, and all expenses due thereon within the time herein mentioned, or redeem the land within the period hereinbefore provided for.

Record of conveyances to be kept.

43. The Inspector of Dykes shall enter in a book a full description of every parcel of land conveyed by him to purchasers for unpaid assessments, with an index thereto, and shall keep the same amongst the records of his office.

Regulations.

44. The Lieutenant-Governor in Council may from time to time make such orders and regulations as are deemed necessary for the operating, maintaining, repairing, and managing of the dyking-works in the said districts and to carry out the provisions of this Act according to their true intent.

Special debentures in respect of temporary overdraft.

45. For the purpose of the repayment of moneys borrowed on temporary overdraft from bank on dyking-works account or otherwise required for necessary maintenance and repairs of the works herein referred to up to the thirtieth of June, 1905, the Lieutenant-Governor in Council, in addition to any sums authorized under the "Dyking Debenture Loan Act, 1897," the "Public Dyking Act, 1898," the "Public Dyking Act (1898) Amendment Act, 1899," the "Public Dyking Act (1898) Amendment Act, 1902" may issue debentures bearing interest at the rate of three and one-half ($3\frac{1}{2}$) per cent. per annum, payable half-yearly, redeemable on the first day of July, 1937, of sufficient amount to meet the liabilities due and payable up to the thirtieth of June, 1905; not, however, to exceed the sum of three hundred and sixty-five thousand dollars, or in such lesser sum as may at that date be required; the principal and interest to be a charge against the consolidated revenue of the Province.

MEMORANDUM AND ASSESSMENT ROLL.

Annual Assessment on Capital Charge.

Total annual assessment..... \$.....

Dated _____, 19__.

Inspector of Dykes.

[illegible]

SCHEDULE B.

.....DYKING DISTRICT.

MEMORANDUM AND ASSESSMENT ROLL.

Assessable acreage.....	.....
Capital charge:	
Low land.....	\$.....
High land.....	.....
	<hr/>
Total capital charge.....	\$.....

Annual Assessment on Capital Charge.

Sinking fund, 1½ per cent.....	\$.....
Interest, 3½ per cent.....	.....
Total annual assessment.....	\$.....

The above annual assessment is payable on or before the 31st December in each and every year, from the 31st December, 1905, to the 31st December, 1944, inclusive, at _____.

The first assessment falls due on the 31st December, 1905, and the last assessment on the 31st December, 1944.

Dated _____, 19__.

.....
Inspector of Dykes.

[illegible]

SCHEDULE C.

.....DYKING DISTRICT.

In pursuance of section 11 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that the Memorandum and Assessment Roll of the above Dyking District has been duly filed in the Land Registry Office at New Westminster, B.C., and following is a copy of so much of the said Assessment Roll as refers to your lands:—

Owner.	DESCRIPTION.					ACREAGE.		Total Capital Charge.	ANNUAL ASSESSMENT.		
	Subdivision.	Block.	Lot.	Section.	Township.	Lot.	Total.		Interest, $3\frac{1}{2}$ per Cent.	Sinking Fund, $1\frac{1}{2}$ per Cent.	Total.

The above amount shall be payable annually on the 31st day of December in each and every year, from the 31st day of December, 19 , to the 31st day of December, 19 , inclusive, at .

Dated , 19 .

.....
Inspector of Dykes.

To .

SCHEDULE D.

.....DYKING DISTRICT.

In pursuance of section 11 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that the Memorandum and Assessment Roll of the above Dyking District has been duly filed in the Land Registry Office at New Westminster, B.C., and following is a copy of so much of the said Assessment Roll as refers to your lands:—

Owner.	DESCRIPTION.					Acreage flooded at Extreme High Water.	Capital Charge.	Acreage flooded at Mean High Water.	Capital Charge.	Total Capital Charge.	ANNUAL ASSESSMENT.		
	Subdivision.	Block.	Lot.	Section.	Township.						Interest, 3½ per cent.	Sinking Fund, 1¼ per Cent.	Total.

The above amount shall be payable annually on or before the 31st day of December in each and every year, from the 31st day of December, 1905, to the 31st day of December, 1944, inclusive, at .

Dated, 19

.....
Inspector of Dykes.

To

SCHEDULE E.

.....DYKING DISTRICT.

*Maintenance Memorandum and Assessment Roll for the Year ending
September 30th, 19 .*

Assessable acreage .

Cost of maintenance for the twelve months ending 30th September, 19 , as follows:—

Total \$

Annual assessments per acre..... \$

The above assessment shall be payable on the 31st December, 19 , at

Dated , 19 .
Inspector of Dykes.

Owner.	DESCRIPTION.					ACREAGE.		Rate per Acre.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.	Lot.	Total.		

SCHEDULE F.

.....DYKING DISTRICT.

*Maintenance Memorandum and Assessment Roll for the Year ending
30th September, 19 . . .*

Assessable acreage:

High land..... \$.....

Low land..... \$.....

Total \$.....

Annual assessment per acre:

High land..... \$.....

Low land..... \$.....

The above assessment shall be payable on the 31st December, 19 , at .

.....
Inspector of Dykes.

Dated , 19 .

Owner.	DESCRIPTION.					Acreage flooded at Extreme High Water.	Rate per Acre.	Acreage flooded at Mean High Water.	Rate per Acre.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.					

SCHEDULE G.

.....DYKING DISTRICT.

In pursuance of section 14 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that the Maintenance Memorandum and Assessment Roll of the above Dyking District for the year ending September 30th, 19 , has been duly filed in the Land Registry Office at New Westminster, B.C., and following is a copy of as much of the said Assessment Roll as refers to your lands:—

Owner.	DESCRIPTION.					ACREAGE.		Rate per Acre.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.	Lot.	Total.		

The above amount shall be payable on the 31st day of December, 19 ,
at

Dated , 19 .

.....
Inspector of Dykes.

To

SCHEDULE H.

.....DYKING DISTRICT.

In pursuance of section 14 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that the Maintenance Memorandum and Assessment Roll of the above Dyking District for the year ending September 30th, 19 , has been duly filed in the Land Registry Office at New Westminster, B.C., and following is a copy of so much of the said Assessment Roll as refers to your lands:—

Owner.	DESCRIPTION.					Acreage flooded at Extreme High Water.	Rate per Acre.	Acreage flooded at Mean High Water.	Rate per Acre.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.					

The above amount shall be payable on the 31st day of December, 19 ,
at .

Dated , 19 .

.....
Inspector of Dykes.

To .

SCHEDULE I.

FORM OF DEED OF LAND FOR UNPAID ASSESSMENTS.

Whereas, by virtue of the provisions of the "Dyking Assessments Adjustment Act, 1905," the Inspector of Dykes did, on the day of , in the year of our Lord one thousand nine hundred and , sell by public auction to , of , that certain parcel or tract of land or premises hereinafter described, at or for the price or sum of dollars of lawful money of Canada, on account of unpaid assessments and additions alleged to be due thereon under the provisions of the "Dyking Assessments Adjustment Act, 1905," up to the day of , in the year of our Lord one thousand nine hundred and , together with costs:

Now, therefore, I, , the Inspector of Dykes, in pursuance of such sale and of the "Dyking Assessments Adjustment Act, 1905," and for the consideration aforesaid, do hereby grant and sell unto the said , his heirs and assigns, all that certain parcel or tract of land or premises, containing , and being composed of [*describe the land so that it may be readily identified*].

In witness whereof, I, the said Inspector of Dykes, have hereunto set my hand and affixed my seal this day of , in the year of our Lord one thousand nine hundred and .

Signed, sealed, and delivered }
in presence of— }

CHAPTER 23.

An Act to carry out an Agreement respecting the
Incorporation of the City of Fernie.

[8th April, 1905.]

WHEREAS the City of Fernie has been incorporated as a city under the provisions of the "Municipalities Incorporation Act," with the consent of the Crow's Nest Pass Coal Company, Limited, and the Crow's Nest Pass Electric Light and Power Company, Limited, without which such incorporation would not have been possible, but on the condition that this Statute should be duly passed by Legislature of the Province of British Columbia to give effect to the provisions of certain agreements arrived at, and the lands so incorporated are those described as all and singular that certain parcel or tract of land commencing at a point one hundred feet (100') due east of the intersection of the centre line of the

Preamble.

British Columbia Southern Railway and the centre of the stream-bed of Coal Creek, and running thence in a northerly direction and parallel to the centre line of the said railway, and one hundred feet (100') distant therefrom, for a distance of one thousand and eighty-five feet (1,085'), more or less, to a point fifty feet from the centre line of the southern branch of the Y connecting the main line of the British Columbia Southern Railway with the Coal Creek branch of the same; thence in a direction about north thirty-three degrees and fifteen minutes east (N. $33^{\circ} 15'$ E.) fifteen hundred feet (1,500'), more or less, to a point distant one hundred and forty feet (140') southerly from the extension of the line of the southerly side of Cox Street, of the Fernie Townsite, and one hundred feet (100') distant in an easterly direction and at right angles from the centre line of the main line of the said British Columbia Southern Railway; thence south fifty-six degrees and forty-five minutes east (S. $56^{\circ} 45'$ E.) one hundred feet (100'); thence north thirty-three degrees and fifteen minutes east (N. $33^{\circ} 15'$ E.) one thousand eight hundred and thirty-six feet (1,836'); thence curving to the right with a radius of five thousand seven hundred and thirty feet (5,730') for a distance of four hundred and seventy-three feet (473'); thence north thirty-eight degrees and fifteen minutes east (N. $38^{\circ} 15'$ E.) seven hundred and seventy feet (770'); thence north fifty-six degrees and forty-five minutes west (N. $56^{\circ} 45'$ W.) one hundred feet (100'); thence north thirty-eight degrees and fifteen minutes east (N. $38^{\circ} 15'$ E.) four hundred and fifty feet (450'), more or less, to a point on the extension of the line of the northern boundary of parcel number three (3) of that certain parcel or tract of land shown on a map or plan of a subdivision of Lot Four thousand five hundred and eighty-eight, Group 1 (L. 4588, G. 1), Kootenay District, and otherwise known as the Fernie Townsite Block; thence in a westerly direction six hundred and forty feet (640'), more or less, to the north-east corner of the said parcel number three (3); thence in a westerly direction and along the said northern boundary of the said parcel number three (3) three thousand nine hundred and sixty feet (3,960'), more or less, to the east bank of the Elk River; thence in a southerly direction and along the east bank of the Elk River to the mouth of Coal Creek; thence in an easterly direction and following the centre of the stream-bed of Coal Creek against the stream to the point of commencement; containing three hundred and thirty-one (331) acres, be the same more or less. And for convenience of reference the aforesaid lands are divided into three districts, hereinafter referred to as the "Park," the "Present Fernie Townsite," and the "Annex":

And whereas the land hereinafter referred to as the "Park" is all that portion of the firstly described lands lying south of Prior Street, bounded on the west by Elk River, on the south by Coal Creek, and on the east by the west limit of the Canadian Pacific Railway; and the land hereinafter referred to as the "Present Fernie Townsite" is

all that portion of the firstly described lands laid out as shown on a map or plan of subdivision of the portion of Lot 4588 made by T. T. McVittie, Provincial land surveyor, and duly registered in the Registry Office at the City of Nelson as No. 734; and the land hereinafter described as the "Annex" is all that portion of the firstly described lands, excepting thereout the Park and the Present Fernie Townsite:

And whereas the Crow's Nest Pass Coal Company, Limited, has undertaken, with the consent of the Municipality of the City of Fernie, to at once convey to the Crow's Nest Pass Electric Light and Power Company, Limited, the lands hereinbefore referred to as the "Annex" and the "Park":

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Fernie Townsite Act, 1905."

Short title.

2. The Crow's Nest Pass Electric Light and Power Company, Limited, shall at all times allow such portions of the Park as have not been and are not from time to time built upon, leased, or sold to be used by the Municipality of the City of Fernie as a public park.

Use of Park by city as a public park.

3. So much of the Park as has not been and is not from time to time built upon, leased, or sold shall be for all time exempt from such taxes and rates as the Municipality of the City of Fernie has or shall have power for any purpose to assess or levy; but so much of the Park as is now built upon or may hereafter be built upon, together with the lands used or appurtenant to such buildings, or leased or sold by the Crow's Nest Pass Electric Light and Power Company, Limited, shall cease to be exempt as aforesaid.

Taxation of Park.

4. The Crow's Nest Pass Electric Light and Power Company, Limited, shall at all times and from time to time use its influence to prevent any of the houses in the old town east of the lands of the Canadian Pacific Railway from being used for hotel or other commercial purposes.

Houses in old town east of Canadian Pacific Railway Company's lands not to be used for hotel or other commercial purposes.

5. Such right and title as the Crow's Nest Pass Coal Company, Limited, and the Crow's Nest Pass Electric Light and Power Company, Limited, had on the tenth day of May, 1904, in the existing street and alleys laid out on any of the lands herein firstly set out, or in any streets or alleys which may be laid out on the said lands, are not to be deemed to have been relinquished, but are to remain in as full force and effect as if the Municipality of the City of Fernie had not been incorporated, and neither the incorporation of the City of Fernie nor this Act is in any way to derogate from or diminish

Streets and alleys in City of Fernie.

the rights, privileges, and powers conferred by the Act incorporating the Crow's Nest Pass Electric Light and Power Company, Limited, being chapter 46 of the British Columbia Statutes of 1900.

User of streets by
Crow's Nest Pass
Electric Light and
Power Company.

6. The Crow's Nest Pass Electric Light and Power Company, Limited, shall have full power, right, and authority as an electric light, water, and telephone company, free of all charges and for all time, to lay down the necessary pipes and do all things necessary to supply water and water-power, and to put up all necessary poles and to string wires thereon, and build conduits for the conveyance of electricity for light, heat, telephones, and power, as provided in its Act of incorporation, in, through, over, and upon their own property and the streets, squares, and other public places, now or hereafter laid out, of the said City of Fernie, and for such purposes to do such work as may be necessary on, in, and under the streets, squares, and other public places of the said city, and shall have full power to take up, alter, and repair the said pipes, conduits, poles, and wires when and so often as the said Company shall deem it necessary so to do, and in all cases doing no unnecessary damage to the premises while the works are in operation: Provided always that the said Company shall, while laying down the said pipes and conduits as aforesaid, place guards or fences, with lamps to be lighted at night, for the prevention of accidents to passengers, and shall finish the work and put the said streets, squares, and public places, as nearly as possible, in as good a condition as they were before the commencement of the work, without any unnecessary delay.

Exemption from
taxation for twenty
years of offices of
Crow's Nest Pass
Coal Company.

7. The Crow's Nest Pass Coal Company, Limited, shall erect upon Block 15 of the Present Fernie Townsite modern general offices for their own use, and the said block of land and buildings shall be exempt from all taxes and rates which the Municipality of the City of Fernie has or shall have power to assess or levy for any purpose for a period of twenty years from the first day of January, A.D. 1905.

Taxation of Annex.

8. Such part of the Annex as is the property of the Crow's Nest Pass Electric Light and Power Company, Limited, shall be exempt from all taxes and rates which the Municipality of the City of Fernie has or shall have power to assess or levy for any purpose, so long as the same remains unsold or is not leased; but upon the sale or lease of any portion thereof by the Crow's Nest Pass Electric Light and Power Company, Limited, so much of the lands sold or leased shall thereupon become liable to be assessed and cease to be exempt as aforesaid.

City of Fernie
released from any
obligation to
purchase water-
supply system.

9. The Municipality of the City of Fernie is hereby released from all the provisions of the "Water Clauses Consolidation Act, 1897," if any there be, which oblige or compel the said municipality to take over or purchase the water-supply system, as laid down in the Present Fernie Townsite, on the tenth day of May A.D. 1904.

10. Nothing in this Act contained shall be held or construed so as to affect the rights of the Crown under section 32 of the "Land Act" in respect of the lands hereinbefore referred to as the "Annex" and the "Park." Rights of Crown saved.

CHAPTER 38.

An Act to aid the Municipality of the City of Nelson.

[8th April, 1905.]

WHEREAS on the twenty-third day of December, 1902, the Municipality of the City of Nelson passed a by-law, No. 123, for the purpose of borrowing one hundred and fifty thousand dollars on debentures to enable the said city to procure an electric-light plant: Preamble.

And whereas the said by-law was duly ratified by the ratepayers in accordance with the "Municipal Clauses Act," and debentures were issued thereunder for the said sum of one hundred and fifty thousand dollars:

And whereas, under and by virtue of the terms of the said by-law, the said debentures bear interest at the rate of five per cent. per annum from the first day of April, 1903:

And whereas the said debentures still remain unsold on the hands of the said municipality:

And whereas, in order to enable the said municipality to dispose of the said debentures to advantage, it is desirable to change the date from which the same will bear interest to the first day of April, 1905, without the necessity of submitting a new by-law to the ratepayers of the said municipality:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Nelson City Debentures Act, Short title. 1905."

2. Notwithstanding anything contained in said By-law No. 123, or in the said debentures, or in the "Municipal Clauses Act," the said municipality may cancel the said debentures and issue new or substituted debentures to bear date the first day of April, 1905, and declaring that the whole debt thereunder shall be payable in twenty years from said date, in lawful money of Canada, at the office of the Bank of Montreal in Nelson aforesaid, and shall have attached to them coupons for the payment of interest; such interest to be payable at the rate of five per cent. per annum, semi-annually, at the office of the Bank of Montreal in Nelson aforesaid, in lawful money of Power granted to substitute debentures for those already issued under By-law 123.

Canada, on the first day of October and the first day of April, respectively, in each year, during the currency of the said substituted debentures.

Operation of substituted debentures.

3. The said substituted debentures, when so issued, shall be deemed to have been lawfully issued by the said municipality under the authority to borrow money contained in the "Municipal Clauses Act," and shall be chargeable upon the assets of the municipality in the same manner and to the same extent as if a by-law authorizing the issuance of the said substituted debentures for the said sum, payable at the said time with interest at the rate aforesaid, had been duly passed by the Council, submitted to the ratepayers and approved by them; and all the provisions of said By-law No. 123 for levying a rate to pay interest and sinking fund and other steps to be taken by the Council shall be deemed to apply to the debt created by the said debentures, in the same manner and to the same extent as if said By-law No. 123 had been passed in reference to the debentures to be dated the first day of April, 1905, instead of the first day of April, 1903.

CHAPTER 39.

An Act to authorize the Grant of certain Lands to the Corporation of the City of New Westminster.

[8th April, 1905.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Lieut.-Governor in Council may grant certain water lots to City of New Westminster.

1. It shall be lawful for the Lieutenant-Governor in Council to grant, upon such conditions and trusts as he shall think fit, to the Corporation of the City of New Westminster all the estate, right, title, and interest of His Majesty the King, in the right of the Province of British Columbia, in and to all and singular those parcels or tracts of land wholly or in part covered by water lying and being in the City of New Westminster, and described as Water Lots numbered 1, 2, 3, 8 to 30 inclusive, and 32 to 100 inclusive, which lots extend along the city water-front from Tenth Street on the west to the junction of Columbia and Front Streets on the east, and are more particularly indicated upon a map of the City of New Westminster, deposited in the Lands and Works Department, Victoria, on the fourteenth January, 1905, which map is numbered 357-05, and is signed by the Mayor and City Clerk, and thereon coloured red.

CHAPTER 42.

An Act to amend the "Royal Columbian Hospital Act, 1901, c. 47.
1901."

[8th April, 1905.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Royal Columbian Hospital Act, Short title. 1901, Amendment Act, 1905."

2. Section 12 of chapter 47 of the Statutes of 1901, being the "Royal Columbian Hospital Act, 1901," is hereby amended by striking out the word "June" in the second line thereof, and by substituting therefor the word "July."

S. 12 amended.
Annual meeting.

3. Section 15 of said Act is hereby amended by striking out the word "shall" in the first line thereof, and by substituting therefor the word "may"; and by inserting after the word "and," in the first line thereof, the words "shall have."

S. 15 amended.
Hospital may have
a house surgeon
and shall have a
medical staff.

CHAPTER 45.

An Act respecting the Songhees Indian Reservation,
Vancouver Island.

[8th April, 1905.]

WHEREAS it is desirable that the Indians now occupying that tract of land within the confines of the City of Victoria, commonly referred to as the "Songhees Reserve," should be moved therefrom and rehabilitated elsewhere:

And whereas the consent of the Dominion Government is necessary for the removal of the Indians, which consent may be obtained after the present sitting of the Legislative Assembly has been prorogued:

And whereas it is expedient that, if and when the Indians be removed from the said land, the Lieutenant-Governor in Council should be authorized to dispose of said land:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Songhees Reserve Act, 1905."

Disposal of
Songhees Reserve
after removal of
Indians.

2. That upon removal by the Dominion Government of the Indians from the said land, it shall be lawful for the Lieutenant-Governor in Council to dispose of such land upon such terms and conditions as may be deemed advisable.

CHAPTER 53.

An Act to authorize a Grant to the Corporation of the City of Victoria of certain Crown Lands situate in Victoria Harbour.

[8th April, 1905.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

The Lieut.-Governor
in Council may
grant certain fore-
shore lands to
City of Victoria;

1. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Victoria—

(a.) All the estate, right, title, and interest of His Majesty the King, in right of the Province of British Columbia, in the foreshore of the northerly indentation of Rock Bay, in the Harbour of Victoria, and in the land aforesaid, and now from time to time covered by the waters of the said bay, and the land at the extreme northerly end of the said bay, and on the shores of the said northerly end of the said bay, and all of which land is shown and coloured pink upon the map signed by the Honourable Robert Francis Green, Chief Commissioner of Lands and Works, and by George Henry Barnard, Mayor of the said City of Victoria, and filed in the Department of Lands and Works, at Victoria, the seventh day of February, 1905, and numbered 1058-05.

By one or more
grants.

2. The said grant may be one or more grants and may be of the whole of the said land referred to in the previous section, or of such portion thereof as to the Lieutenant-Governor may seem just.

Victoria Terminal Railway and Ferry Company and

New Westminster Southern Railway Company.....	<i>8th April, 1905.</i>
Institute of Accountants of British Columbia.....	<i>8th April, 1905.</i>
British Canadian Fire Insurance Company	<i>8th April, 1905.</i>
British Columbia Securities Company	<i>8th April, 1905.</i>
Brunette Saw Mill Company	<i>8th April, 1905.</i>
Fording Valley Railway Company	<i>8th April, 1905.</i>
General Trusts Corporation	<i>8th April, 1905.</i>
Golden Light, Power, and Water Company	<i>8th April, 1905.</i>
Kootenay, Cariboo, and Pacific Railway Company (Amendment)	<i>8th April, 1905.</i>
Pacific Northern and Omineca Railway (Amend- ment)	<i>8th April, 1905.</i>
Queen Charlotte Islands Railway Company	<i>8th April, 1905.</i>
Royal Trust Company	<i>8th April, 1905.</i>
Stave Valley Railway Company	<i>8th April, 1905.</i>
Sumas Development Company	<i>8th April, 1905.</i>

A.D. 1906.

British Columbia Securities Company (Amend- ment)	<i>12th March, 1906.</i>
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CHAPTER 15.

An Act for the Relief and Disincorporation of the Municipality of Dewdney.

[*12th March, 1906.*]

WHEREAS letters patent were issued on the seventh of April, Preamble.
1892, incorporating certain lands in the District of New Westminster, lying on the north bank of the Fraser River, adjacent to the Hatzic Slough, the boundaries of which are set forth and fully described in the British Columbia Gazette of 1892, page 482, and the inhabitants thereof as "The Corporation of the District of Dewdney":

And whereas the said Corporation in 1893 issued debentures amounting to seventeen thousand two hundred and twenty-eight dollars, bearing interest at six per cent. per annum, redeemable in twenty years, for the purpose of constructing protection or dyking-works, and subsequently incurred a further loan of two thousand dollars, also bearing interest at six per cent. per annum:

And whereas the said moneys, or the greater portion thereof, were expended in the erection of works for the protection of lands from inundation by the Fraser River, which works in 1894 were partially destroyed:

And whereas the arrears of dyke and general taxes due to said Corporation on the thirty-first of December, 1899, amounted to fifteen thousand eight hundred and fifty-eight dollars, which remain unpaid, and which the Corporation is unable to collect, and no taxes having been levied on the lands in said municipality since the last-mentioned date, the Corporation is therefore unable to pay the said debentures and loan, which, together with the accrued interest thereon to the first of January, 1906, amount to thirty-one thousand one hundred and sixty dollars, for which, by way of compromise, the creditors thereof have agreed to accept twenty-five thousand dollars in cash:

And whereas, at a public meeting of the residents of the municipality held on the fifth of August, 1905, resolutions were passed requesting the Government to aid the Corporation to release said liabilities, and to cancel the incorporation of the municipality on condition that the repayment be provided for by a special tax leviable on the lands in the municipality:

And whereas it is deemed expedient to grant the aid asked for in said resolution:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Dewdney Municipality Relief Act, 1906."

Appropriation of
\$25,000 for purposes
of this Act.

2. It shall be lawful for the Minister of Finance to appropriate out of the revenue of the Province the sum of twenty-five thousand dollars for the purpose of paying off certain liabilities of the Corporation of the District of Dewdney, to wit: Twenty-three thousand dollars to redeem all of the outstanding debentures, including the interest thereon, and two thousand dollars to liquidate a loan, including the interest thereon.

Province to con-
tribute \$10,000.
Fifteen thousand
dollars and interest
to be raised by
taxation.

3. Of the twenty-five thousand dollars so paid, ten thousand dollars shall be borne by the Province, and fifteen thousand dollars, with interest thereon at three and one-half per cent. per annum,

shall be raised in the manner hereinafter provided by taxation of the lands and interest in lands from time to time assessable under the provisions of the "Assessment Act, 1903," and amending Acts, or of any provisions that may be substituted therefor.

4. The Assessor for the New Westminster Assessment District shall each year, for twenty-five years after the first day of January, 1907, forthwith after the revision of the assessment roll for his district, prepare a special assessment roll, in accordance with the form in the Schedule hereto, of all lands or interests in lands situate within the limits of the present Municipality of Dewdney assessable under the provisions of the "Assessment Act, 1903," and amending Acts, or of any provisions that may be substituted therefor. The valuation of said lands or interests in lands shall be the same as that in the said revised assessment roll. Against said lands and interests in lands so valued as aforesaid, the said Assessor shall annually levy and insert in said roll an assessment sufficient to meet the payment of one twenty-fifth of the said sum of fifteen thousand dollars and the annual interest on said sum, the two sums amounting to eleven hundred and twenty-five dollars.

Special assessment roll.

5. The said Assessor, after completion of said roll, shall transmit by post, or leave for every person named thereon, whose address is known to the Assessor, and who is resident or has a place of business within the New Westminster Assessment District, and shall transmit by post to every non-resident whose address is known to him, a notice of the sum at which his land, or interest in land, has been assessed, according to Form 2 in the Schedule hereto, and shall enter on the roll, opposite the name of the party, the date of delivering or transmitting such notice, which entry shall be prima facie evidence of such transmission or delivery.

Notice of assessment.

6. The insertion by the Assessor of the letters "N.R." in the proper column of the roll, opposite the land assessed to "non-residents," or as "unknown," and the roll being open for inspection of taxpayers at the office of the Assessor for a reasonable time during office hours, shall be deemed to be legal and sufficient notice of assessment and of demand of payment of the taxes assessed to any non-resident whose address is unknown to the Assessor, or to any owner of land assessed as unknown.

Notice to non-residents and persons whose address is unknown.

7. The taxes levied under this Act shall be deemed to be due and payable to the Collector of the New Westminster Assessment District on the second day of January in each year, and shall become delinquent on the following thirty-first day of December.

When taxes due and when delinquent.

8. All delinquent taxes shall bear interest from the date of becoming delinquent until paid or recovered, at the rate of six per cent.

Interest on delinquent taxes.

per annum, and such added interest shall be deemed a charge upon the lands or interest in lands in respect of which the taxes were assessed in all respects as if said interest had originally formed part of the taxes assessed thereon, and may be recovered as a part of the delinquent taxes.

Remedies for collection of taxes.

9. The Collector of said district shall have all the rights, powers, and remedies for the collection of said taxes that he possesses under the "Assessment Act, 1903," and amending Acts, for the collection of taxes against land imposed under said Act.

Sale of lands.

10. The said Collector may levy the taxes imposed by this Act when they become delinquent, together with all costs, interest, and charges, by sale of the lands in respect of which said delinquent taxes have been assessed, and all the provisions of sections 121 to 157 and 147A and 147B of the "Assessment Act, 1903," and amending Acts, or of any provisions that may be substituted therefor, shall apply to such sales for taxes and to the proceedings antecedent and subsequent thereto, so far as such provisions are or may be applicable.

Personal liability for taxes.

11. The person liable to pay the taxes imposed by this Act shall be personally liable for the amount thereof.

Taxes a lien on land.

12. The taxes due upon any land, with costs and interest, shall be a special charge on the land having preference over every claim, privilege, charge, or encumbrance of every person, except the Crown, and the charge and its priority shall not be lost or impaired by any neglect, error, or omission of the Assessor or Collector, or of any agent or officer, or by want of registration.

Name of tax.

13. The tax imposed under this Act shall be termed "The Dewdney Municipality Relief Tax," and shall be in addition to all taxes under the "Assessment Act, 1903," and amending Acts, or any Act substituted therefor.

Disposition of property of municipality.

14. The Collector of the New Westminster Assessment District shall be entitled to demand and receive from any person having the custody or possession thereof all the records, papers, documents, assessment rolls, and all other property of said Corporation.

Taxes collected to be paid into the Treasury to the credit of a special account.

15. The taxes collected under this Act shall be paid into the Provincial Treasury to the credit of a special account designated "The Dewdney Municipality Relief Tax Fund," to form a fund for the repayment of the taxable principal and interest under the provisions referred to under section 3.

Incorporation of Dewdney cancelled.

16. The incorporation of the said The Corporation of the District of Dewdney is hereby cancelled and the said corporation is dissolved.

SCHEDULE.

FORM No. 1.

THE "DEWDNEY MUNICIPALITY RELIEF ACT, 1906."

Assessment Roll for Year 19 .

Taxes payable on and after 2nd January, 19 .

1	2	3	4	5	6	7	8	9	10	11	12
Number on Roll.	Taxpayer's Name.	Occupation and Post-office Address.	Owner, Tenant, or Occupant.	Name and Post-office Address of Owner where Person in Column 2 not Owner.	N.R. (Non-resident).	Range, Group, Section, or Locality.	No. of Lot, Division, or Subdivision.	No. of Acres or other Measurement.	Value of each Parcel.	Amount of Tax.	Date of delivering or transmitting Assessment Notice.

.....
Assessor of New Westminster Assessment District.

FORM No. 2.

THE "DEWDNEY MUNICIPALITY RELIEF ACT, 1906."

Notice of Assessment for Year 19 .

Taxes payable on and after 2nd January, 19 .

1	2	3	4	5	6	7	8	9	10	11	12
Number on Roll.	Taxpayer's Name.	Occupation and Post-office Address.	Owner, Tenant, or Occupant.	Name and Post-office Address of Owner where Person in Column 2 not Owner.	N.R. (Non-resident).	Range, Group, Section, or Locality.	No. of Lot, Division, or Subdivision.	No. of Acres or other Measurement.	Value of each Parcel.	Amount of Tax.	Date of delivering or transmitting Assessment Notice.

To the Taxpayer:

Take notice that under the provisions of the "Dewdney Municipality Relief Act, 1906," you are assessed as above for the year 19 , and that the taxes

levied upon said assessment amount to the sum of \$, which sum is payable at my office, in the City of New Westminster, on the 2nd day of January, A.D. 19 .

Dated this day of , 19 .

.....
Collector of New Westminster
Assessment District, New Westminster.

CHAPTER 17.

1905, c. 20.

An Act to amend the "Dyking Assessments Adjustment Act, 1905."

[12th March, 1906.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Dyking Assessments Adjustment Act, 1905, Amendment Act, 1906."

Amends c. 20, 1905.

2. Chapter 20 of the Statutes of 1905, being the "Dyking Assessments Adjustment Act, 1905," is hereby amended by adding the following new section:—

Lands benefited by
 dyking-works when
 granted by the
 Crown liable to
 assessment from
 1st January, 1905.

"14A. As soon as lands in the Maple Ridge and Coquitlam Dyking Districts benefited by the construction of dyking-works, which lands now belong to His Majesty in the right of the Dominion of Canada, are granted away by the Crown, they shall become liable to be assessed under the provisions of this Act as from the first day of January, A.D. 1905."

Amends s. 15.
 Credits to be given.

3. Section 15 of said Act is hereby amended by striking out "section 9" in the second line thereof, and by substituting therefor "sections 9 and 14."

Amends s. 22.
 Time of sale.

4. Section 22 of said Act is hereby amended by striking out the word "April" in the tenth line thereof, and by substituting therefor the word "May."

Amends s. 24.
 Notice of sale.
 Time of sale.

5. Section 24 of said Act is hereby amended by striking out the words "registered owner" in the seventh line thereof, and by substituting therefor "owner or occupier"; by striking out the word "April" in the sixteenth line thereof, and by substituting therefor the word "May"; and by adding to said section the following subsection:—

"(2.) To cover the costs of advertising and other expenses connected with the sale of land under this Act, the Inspector of Dykes shall charge each parcel of land advertised for sale with the sum of two dollars and no more, except lots not exceeding one acre in area, each of which shall be charged with the sum of one dollar and no more, to cover the costs of advertising and other expenses above mentioned."

Costs of advertising and sale.

6. Section 25 of said Act is hereby amended by inserting after the word "sell," in the fourth line thereof, the words "or cause to be sold"; and by inserting after the word "offer," in the fifth line of said section, the words "or cause to be offered."

Amends s. 25.
Sale of lands.

7. Section 28 of the said Act is hereby repealed, and the following section inserted in lieu thereof:—

S. 28 re-enacted.
Forfeiture of unsold lands.

"28. If the Inspector of Dykes fails to sell any land at any such public auction or adjournment thereof at the upset price, the said land shall become absolutely forfeited to and vested in the Crown for the use of the Province, free from all encumbrances, at the expiration of twelve months from the date of such public auction or adjournment thereof, unless the assessed owner appearing on said advertised list of unpaid assessments, or his heirs, executors, administrators, or assigns, shall pay to the Inspector of Dykes before the expiration of said twelve months the amount of the upset price at which said land was offered at said sale, with interest thereon at the rate of six per centum per annum from the date of sale, together also with the assessments due up to the date of repurchase, with interest thereon at the rate of six per centum from the date such assessments became due. If payment of the amounts above set forth is not made to the Inspector of Dykes before the expiration of said twelve months, he shall, within one month thereafter, prepare a certificate under his hand, in duplicate, setting forth that the lands mentioned therein have been publicly exposed for sale for unpaid assessments on the day appointed for that purpose by the Act, and that no sale having been effected and the amounts due being still unpaid, the lands are thereby absolutely forfeited to and vested in the Crown, free from all encumbrances. The Inspector of Dykes shall forward one copy of such certificate to the District Registrar of the district in which said land is situated, and the other copy to the Chief Commissioner of Lands and Works, who shall duly register the same in their respective records:

"(1.) Upon any such forfeiture the owner shall thereupon be released from all liability in respect of the assessments upon the land so forfeited as aforesaid.

"(2.) Any sale of such land forfeited shall be made on condition that the land sold shall be liable for assessments which would thereafter have accrued thereon but for such forfeiture."

Amends s. 30.
Redemption.

8. Section 30 of said Act is hereby amended by striking out the words "two years" in the seventh line thereof, and by substituting therefor "one year."

Amends s. 31.
Notice of particulars
of sale.

9. Section 31 of the said Act is hereby amended by striking out the words "registered owner" in the second and third lines thereof, and by substituting therefor "owner or occupier."

S. 35 re-enacted.

10. Section 35 of the said Act is hereby repealed, and the following section inserted in lieu thereof:—

Repurchase of lands
forfeited to Crown.

"35. The Chief Commissioner of Lands and Works may sell any lands which may become forfeited to the Crown under the provisions of this Act to any person at such price as he may from time to time put upon the same, but such price shall not be less than the price of similar lands under the 'Land Act.' The lands so forfeited to the Crown shall not be subject to pre-emption under the provisions of the 'Land Act.'"

Amends s. 42.

11. Section 42 of said Act is hereby amended by striking out the word "taxes" where it occurs in the twelfth line thereof, and substituting therefor the word "assessments."

Schedule F
amended.

12. Schedule F attached to said Act is hereby amended by striking out the sign for dollars (\$) in the first two places in which it occurs in said form.

Act to take effect
from 1st January,
1906.

13. The amendments effected by this Act shall take effect on and from the first day of January, 1906.

General Trusts Corporation (Amendment)12th March, 1906.

CHAPTER 28.

An Act respecting McGill University.

[12th March, 1906.]

Preamble.

WHEREAS it is desirable, in the interest of higher education in the Province of British Columbia, that a college or colleges of McGill College and University be established for the higher education of men and women:

And whereas doubts exist as to the powers of McGill University in that behalf:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Governors, Principal, and Fellows of McGill College and University may establish, or cause to be established, or co-operate in the establishment of, a university college or colleges for the higher education of men and women in the Province of British Columbia, and may exercise and enjoy in the said Province all the powers, rights, privileges, and functions conferred upon them by the charter granted to them by His late Majesty King George IV. in the second years of his reign, and amended by Her late Majesty Queen Victoria in the sixteenth year of her reign.

McGill University
may establish a
college in this
Province.

CHAPTER 33.

An Act to amend Chapter 54 of the Statutes of 1902. 1902, c. 54.

[12th March, 1906.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Paragraph (a) of section 1 of chapter 54 of the Statutes of 1902, being "An Act to authorize a Grant to the Corporation of the City of Nelson of certain Crown Lands situate in said City," is hereby repealed, and the following paragraph is substituted therefor:—

Amends s. 1.

"(a.) All the estate, right, title, and interest of His Majesty the King, in the right of the Province of British Columbia, in the foreshore of the West Arm of Kootenay Lake, in the City of Nelson, between the west frontage-line of Ward Street and a line bisecting the angle formed by the prolongation of the east boundary-line of Lot 95 and the north boundary-line of Lot 96, Group 1, and in the land covered by the waters of the said West Arm of Kootenay Lake for a distance of two hundred feet from the extreme low-water mark, except the land granted to the Columbia and Kootenay Railway and Navigation Company and the Nelson Saw and Planing Mills, Limited, which said foreshore and land covered with water are coloured green upon the map signed by the Honourable Robert Francis Green, Chief

Commissioner of Lands and Works, and filed in the Department of Lands and Works, Victoria, the sixth day of March, A.D. 1906."

Cancels Crown grant to City of Nelson of lands described in said paragraph (a) as originally enacted.

2. The grant from the Crown to the Corporation of the City of Nelson, bearing date the seventh day of October, A.D. 1902, of the lands described in said paragraph (a) as originally enacted is hereby cancelled.

CHAPTER 34.

An Act to cancel the Assessment Roll for the District of North Vancouver for 1906, and to authorize a New Assessment Roll to be prepared.

[12th March, 1906.]

Preamble.

WHEREAS by the North Vancouver Assessment By-law, 1905, provision was made for valuing the real property in the said district and for preparing the assessment roll for 1906, and that the Assessor should return the assessment roll to the Council not later than the thirty-first day of December, 1905:

And whereas the Council on the twentieth day of September, 1905, appointed an Assessor of the district:

And whereas the said Assessor failed to return the said assessment roll till the nineteenth day of January, 1906:

And whereas, on examination, the roll by him returned has been found to be seriously defective and to contain errors and omissions in many particulars which cannot be remedied by the Court of Revision:

And whereas the Council of the said municipality have represented that it is in the interests of all concerned that the said roll should be set aside and a new assessment made:

And whereas it is expedient to grant the relief prayed for:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited for all purposes as the "North Vancouver Assessment Act, 1906."

Cancellation of 1906 assessment roll.

2. The assessment roll for the Municipality of the District of North Vancouver, returned to the Council by the Assessor on the nineteenth day of January, 1906, is cancelled and annulled and of no force or effect.

3. The Council of the said district is authorized to cancel the appointment of the said Assessor and to appoint a new Assessor, with all the powers, privileges, and duties vested in the Assessor of the municipality by the "Municipal Clauses Act."

Appointment of
new Assessor.

4. The Assessor so appointed is hereby authorized to prepare a new assessment roll for the year 1906, under and by virtue of the "Municipal Clauses Act," and such new assessment roll, when completed and revised, shall be the assessment roll for 1906 for all purposes under said Acts.

Preparation of
new roll.

5. The Council shall by resolution fix the time within which the said new Assessor shall begin to make and at which he shall complete the said assessment roll, and the date before which the said roll must be returned to the Clerk of the Council.

Time for making
and completing
new assessment.

CHAPTER 35.

An Act to accelerate the Incorporation of the City of North Vancouver.

[12th March, 1906.]

WHEREAS a petition has been presented by the inhabitants of the tract of land in this Act hereafter described, portion of and forming part of the District Municipality of North Vancouver, and other adjoining lands, praying that they may be incorporated as a city municipality under the name of the "City of North Vancouver," but it has been found inconvenient, owing to the exigencies of public business, to proceed with the consideration of the said petition in this present session, and the said inhabitants are desirous of securing immediate incorporation, without complying with certain of the provisions of the "Municipalities Incorporation Act" and amending Acts necessitating notices and petitions, and it is expedient to permit a departure from the general statutory conditions:

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "North Vancouver City Incorporation Act, 1906."

Short title.

2. It shall be lawful for the Lieutenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of the "Municipalities Incorporation Act, 1906."

Incorporation of the
City of North
Vancouver.

palities Incorporation Act" as amended, by Letters Patent under the Public Seal, to incorporate under the said Act into a city the tract of land set out in Schedule B hereto; and such letters patent shall have the same force and effect as letters patent issued under the provisions and after compliance with all the formalities of the said "Municipalities Incorporation Act" as amended, save and except as provided in the following sections of this Act, which shall apply to such municipality.

What letters
patent to specify.

3. The letters patent incorporating such city corporation shall, in specifying and providing for all matters referred to in section 4 of the "Municipalities Incorporation Act," specify and provide for the matters referred to in section 4 to 13, both inclusive, of this Act, as and in manner therein set out.

First Election.

Nomination for
first election.

4. A nomination for a first Council, to consist of a Mayor and six Aldermen, shall be held on the third Saturday after letters patent pursuant to this Act shall be granted by the Lieutenant-Governor in Council, and the election, in case a poll shall be demanded, shall be held on the following Saturday after such nomination, and shall continue for one day only; and Alexander Philip shall be Returning Officer.

Notice thereof to
be published.

5. The nomination and poll (if any) shall be held at the Municipal Hall at North Vancouver. Seven days' notice of the time and place of nomination and of the holding of the poll (if any) shall be given by the said Returning Officer in a newspaper published or circulating in the said city, and, further, for the like period shall be posted up on the entrance-door of the said Municipal Hall.

Duties of Returning
Officer.

6. The said Returning Officer shall provide a ballot-box and the necessary ballots for use at the said first election, and he shall, as far as possible, conduct such election in all respects in conformity with the provisions of the "Municipal Elections Act."

First meeting of
the Council.

7. The first meeting of the Council so elected shall be held at the Municipal Hall in the city on the first Wednesday after such election.

Agreement with
District Municipality of North
Vancouver.

8. It shall be lawful for the Corporation of the District of North Vancouver to enter into and execute the deed of arrangement set out in Schedule A hereto, as to certain public property, rights, interests, and benefits, and apportioning the same, appertaining to the said tract of land; and after the grant of letters patent under his Act it shall be lawful for the City of North Vancouver to enter into and execute the said deed, and to carry the same into effect; and when executed the said deed shall, to all intents and for all purposes, be valid and binding upon the parties thereto.

9. Until the said municipality is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city.

Mode of election until city divided into wards.

10. The Mayor and Aldermen elected at such first election shall hold office until his or their successor, or a majority of their successors have been sworn in, unless he or they shall die, or resign, or become disqualified.

First Mayor and Aldermen to hold office until successors elected.

11. Any male or female, being a British subject of the full age of twenty-one years, and being a freeholder, a householder for at least six months previous to such election, a pre-emptor or leaseholder for a term of not less than six months, resident within the said city, shall be entitled to vote at the first municipal election under this Act, but no female shall be qualified to sit or vote as Mayor or Alderman.

Qualification of voters at first election.

12. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons qualified under section 14 of this Act, and such list shall be the list of electors for such elections.

Voters' list.

13. Before the name of any person, other than a freeholder, shall be placed on the first voters' list, he or she shall make and sign a declaration in writing, before some person authorized to administer oaths, or before the Returning Officer, setting forth his or her name, address, occupation, and qualifications under this Act, and shall deliver the same to the Returning Officer; and the said list shall be closed on the day before nomination-day, and shall then be the voters' list of the municipality for all purposes until another list is prepared in due course.

Declaration by voter other than freeholder.

14. The Council may, in addition to all its powers, from time to time make, alter, and repeal by-laws—

Power to make and repeal by-laws.

- (a.) To regulate and extend the waterworks system heretofore belonging to and under the control of the Corporation of the District of North Vancouver; to extend the said system to all parts of the city and throughout adjoining municipalities, and to supply water therefrom; to obtain further supplies of water; in addition to all other powers, to purchase lands within and without the city for watershed, reservoirs, rights-of-way, and other purposes connected with the water system; to appoint a Board of Water Commissioners to administer and manage the waterworks system of the city as now existing, and as may be extended under the provisions of this Act, and to define and regulate the powers and duties of such Water Commissioners:
- (b.) To join with the City of Vancouver and any other municipality or municipalities, or with any one or more or them,

for the joint supply of water in the several municipalities so joining, and to share in the cost of watershed and all other things necessary in connection with such united water-supply:

- (c.) To provide that all rates to be levied for water purposes shall be assessed, levied, and collected on the same basis as ordinary municipal taxes on land, and, in the discretion of the Council, on not more than fifty per cent. of the assessed value of the improvements:
- (d.) To acquire, whether inside the limits of the city or without, by purchase, land for sand-pits, gravel-pits, and stone-quarries for the obtaining of materials for necessary public works in the city:
- (e.) To construct and maintain or aid in the construction and maintenance of roads, trails, and bicycle-paths in adjoining municipalities, and for such purpose to make arrangements with adjoining municipalities for the opening of roads, trails, and bicycle-paths leading from the city into and through such adjoining municipalities:
- (f.) With the assent of the electors to subdivide the city into wards.

Lawful for the municipality to borrow money to provide for payment of debentures of District of North Vancouver.

15. It shall be lawful for the Council of the municipality, by a by-law or by-laws to be passed without any petition and without the previous assent of the electors, at any time or times, and in one or more sums at a time, to borrow upon the credit of the municipality at large the moneys required to provide for the payment of the one hundred and seventy thousand dollars of debentures of the Corporation of the District of North Vancouver, being portion of the debt of the said district corporation taken over and assumed by the city municipality under agreement scheduled to this Act (and therein referred to in five items), at such rate or rates of interest, not greater than five per cent., as the Council may see fit, and to raise the said moneys by the issue of debentures under the formalities contained in the "Municipal Clauses Act" and amending Acts.

Council may invest sinking funds.

16. In addition to the securities in which, in accordance with the "Municipal Clauses Act," investments of any sinking funds may be made, the Council of the municipality may invest any such funds in first mortgage on improved property in the city, not exceeding forty per cent. of the assessed value thereof.

Sewage.

17. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the municipality in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond the limits of the said municipality, as may be considered by the Council to be right and necessary for the purposes aforesaid.

18. All arrears of taxes levied by the Corporation of the District of North Vancouver on lands heretofore in said district, but included in this Act in the city, shall be vested in the city, and it shall have all the rights, powers, and privileges of the said district corporation as to the collection of the said taxes by sale of the lands liable therefor or otherwise, and all the rights, powers, and privileges of the district corporation as regards the lands, heretofore in the said district and now included in the city, sold at the tax sales held on the second and sixteenth days of August, 1905, are hereby vested in the city, and the city shall have the necessary powers to give deeds therefor.

Tax sales.

19. A special meeting of the Board of Licence Commissioners for said city may, if desired, be held, at a time to be fixed by the Mayor, not less than one month nor more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 180 of the "Municipal Clauses Act" may be had and exercised.

Board of Licence Commissioners, special meeting of.

20. All licences heretofore issued shall be valid until the expiration of the period named in the same, and upon expiry the reissue shall be regulated by the statutory provisions governing the city.

Licences.

21. The Council may, after incorporation, pay out of ordinary revenue all such costs, charges, and expenses incurred in and about the procuring and consequent upon the incorporation of the said city, whether by the promotion of the charter of incorporation petitioned for or by this Act, as they may deem proper.

Costs of incorporation.

22. All provisions of the "Municipal Clauses Act," the "Municipal Elections Act," and "Municipalities Incorporation Act" shall apply to the said municipality, except when the provisions of said Acts are repugnant to the provisions of this Act.

Application of "Municipal Clauses Act" and "Municipalities Incorporation Act."

23. The three agreements made by the Corporation of the District of North Vancouver with the Vancouver Power Company, Limited, for street-car service, street-lighting, and the supply of electric light and power, respectively, and the agreements made by the said Corporation with the British Columbia Telephone Company, Limited, and the Vancouver Ferry and Power Company, Limited, in so far as the several agreements affect the area by letters patent under this Statute incorporated as the City of North Vancouver, are hereby ratified and confirmed, and shall be adopted and carried into effect by the Council of the City of North Vancouver, but in other respects the said companies shall be subject to the ordinary jurisdiction of the Council.

Ratification of agreements.

SCHEDULE A.

THIS INDENTURE, made the 21st day of February, 1906,
Between,

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER (hereinafter
referred to as "the District Corporation") of the first part;

and

EDWARD MAHON, W. A. BAUER, ARTHUR B. DIPLOCK, and GEORGE J.
PHILLIPO, all of North Vancouver, in the Province of British Columbia,
on behalf of themselves and all others the inhabitants of the area
(hereinafter described and referred to as "the city area") proposed
to be incorporated as the "City of North Vancouver" (hereinafter
referred to as "the City"), of the second part.

Whereas the District Corporation is incorporated as a District Municipality
under the laws of the Province relating to such municipalities:

And whereas a petition has been presented to the Legislature of British
Columbia to incorporate the inhabitants of the tract of land described in the
next following paragraph, and others, as a City, by a special Act of incorpora-
tion, under the name of the "City of North Vancouver," and to separate the
said tract of land from the District Corporation:

And whereas the said city area, so far as it will be separate from the District
Corporation, is described as follows, viz.: Lots 255, 271, 274, 544, 545, 546, 547,
548, 549, 550, 616, and the East Half of 552, and the Mission Reserve, all in
Group One (1), New Westminster District:

And whereas at a public meeting of the ratepayers of the said District
Municipality held on the 8th day of November, 1905, a committee was appointed
to consider the incorporation of the proposed City and the division of the assets
and liabilities of the District Municipality between it and the proposed city
area, and the recommendations and report of the said committee were approved
of and adopted at a subsequent meeting of the ratepayers of the present munici-
pality held on the 24th day of November, 1905, and were subsequently approved
and assented to by a vote of the ratepayers of said municipality taken on the
15th day of December, 1905:

And whereas the report of the said committee is contained in the Schedule
annexed to these presents:

Now, this Agreement witnesseth that, for the consideration herein and in
pursuance of the said Agreement, the said Corporation of the District of North
Vancouver doth hereby grant and convey to the parties of the second part,
and their successors, the following properties and assets, namely:—

- (1.) The Municipal Hall and Lots 48, 49, and 50, of Block 155, of District
Lot 274:
- (2.) The Pound and Stables Buildings and Lot 12, Block 134, of District
Lot 271:
- (3.) The public parks, being Blocks 109A and all right, title, and interest
in 110A in District Lots 548, 549, and 274:
- (4.) The acquired streets ends and water-frontage grants obtained, or to
be obtained, for Mackay Road, Bewicke Avenue, Chesterfield Avenue,
Lonsdale Avenue, St. George Road, St. Andrew's Road, St. Patrick's
Road, and St. David's Road, subject to payment of all amounts due
in respect thereof:
- (5.) The S.S. "North Vancouver" and all wharves and slips belonging to
the District Corporation, and all rights thereon, and to compensation
therefor, subject always to the conditions and provisions of the agree-
ment of lease between the District Corporation and the North Van-
couver Ferry and Power Company, Limited:

- (6.) The ferry licence from the Provincial Government, subject always to the lease thereof in favour of the North Vancouver Ferry and Power Company, Limited, and to all the conditions and provisions in said lease contained:
- (7.) The water record of 300 inches from Lynn Creek and any record of water that may be obtained from Rice Lake, and the whole of the North Vancouver Townsite water system, and all the rights-of-way, pipe-line, intake, and all lands owned by, reserved by the Government for, and the title and interest in all lands applied for by, said District Municipality in connection with the said water system, together with all water, pipes, hydrants, buildings, and erections of any kind or description owned with the water system, and also all arrears of water rates due as on the 1st day of January, 1906, and that may have become due thereafter. It being understood that the City Corporation may, at any time by any member of its staff, open up any part of the road through the district area that is traversed by the pipe-line, to inspect or repair or renew the said pipe-line, or to lay additional pipes therein; provided (a) that the traffic on the said road is not interrupted without the consent of the District Council, and (b) that the road is reinstated in as good condition as it was before at the expense of the City Corporation, and to the satisfaction of the District Council:
- (8.) The office furniture in the Municipal Hall; the fire hose, reel, and other equipments for the Fire Brigade; the horses, carts, harness, and the whole equipment of implements for road-work; the drinking-fountain and garden-seats; the street lamps and posts:
- (9.) All arrears of taxes and assessments due within the city area as at 1st January, 1906, and all rights and privileges in connection therewith:
- (10.) The sum of \$2,091 of sinking funds being the proportion of the whole fund pertaining to the amount of the whole debt to be taken over by the city as hereinafter provided:
- (11.) The right, title, and interest of the District Corporation in the Cemetery Reserve Lot 1620, but subject to the proviso that all inhabitants of the district area shall have the same rights of burial subject to the same cemetery charges as inhabitants of the city area:
- (12.) All right, title, and interest of the District Corporation in Lot 2, in Block 207 and Block 208, of District Lot 541, being the property acquired for the horticultural gardens:
- (13.) All other public works and improvements located within the city area.

Second: The City shall have access to the books of the District Municipality at all reasonable hours.

Third: The City covenants to pay the following liabilities of the said Corporation of the District of North Vancouver, namely:—

1. Local Improvement Loan of 1901	\$ 2,000
2. Eighty per cent. of the Consolidated Loan of \$100,000, 1903	80,000
3. Waterworks Loan, 1904	50,000
4. Street Improvement Loan, 1905	25,000
5. Street Ends Loan, 1905	13,000
6. Any liabilities, other than herein otherwise provided for, due on 1st January, 1906, or incurred since said date in the management of the affairs of the District Municipality and in connection with the road-work or water services.	

And to indemnify and hold harmless the said Corporation of the District of North Vancouver from all liability in respect thereto.

Fourth: The City undertakes to obtain the necessary authority to and to give tax deed to all lands in the city area sold at the district tax sale in August, 1905, and generally to comply with all the provisions of the law under which said tax sale was conducted, so far as relates to such lands.

Fifth: The City covenants to carry out and give effect to all the undertakings of the District Corporation so far as they relate to any part of the city area under the agreements entered into between the District Corporation and the B.C. Electric Railway Company for tramway service, electric lighting, heating, and power system, and street-lighting service; and under the resolutions of the District Council regarding the instalment of a telephone system; and under any other contract or by-law that may exist so far as the same can be sustained and affect any part of the city area.

Sixth: The City undertakes to pay all the expenses incurred and that may yet be incurred in carrying out this Agreement, and failing the incorporation of the City Corporation, then the said expenses so far as incurred shall be a charge against the guarantee fund provided for that purpose.

Seventh: The District Municipality will account for and pay over to the City any taxes collected by it within the city area after the 31st day of December, 1905.

Eighth: In the event of any dispute arising in connection with this Agreement, the same shall be referred to arbitration under the provisions of the Act respecting Arbitration and References.

Ninth: Provided, however, that this deed shall not take effect or become operative until the Royal assent is given to the proposed private Act.

In witness whereof the parties hereto have hereunto set their hands and seals and the seal of the said Corporation has been affixed on the day and year first above written.

Signed, sealed, and delivered in the presence of—	V. A. STRAUBE.	{ For the Corporation. ARNOLD E. KEALY, <i>Reeve</i> . ALEX. PHILIP, <i>C.M.C.</i> [Seal of North Vancouver District Municipality.]
Signed, sealed, and delivered in the presence of—	V. A. STRAUBE, <i>As to all.</i>	
		{ E. MAHON. [SEAL] W. A. BAUER. [SEAL] A. B. DIPLOCK. [SEAL] GEO. J. PHILLIPPO. [SEAL]

REPORT OF RATEPAYERS' COMMITTEE REFERRED TO IN FOREGOING AGREEMENT.

1. That the tract of land comprising the following lots: 271, 274, 265, 544, 545, 546, 547, 548, 549, 550, part of Lot 552, and Lot 616, now forming part of the Corporation of the District of North Vancouver; also District Lot 273 and part of Lot 272, be the area the inhabitants of which are to be incorporated under the name of the "Corporation of the City of North Vancouver."

2. That the consolidated debt of the present District Municipality, amounting to \$100,000, be assumed by the new City of North Vancouver, and the remaining portion of the district in the following proportion: 80 per cent. by the new City and 20 per cent. by the remaining portion of the District Municipality.

3. That the following amounts at present constituting debts of the District Municipality, namely:—

The Local Improvement Loan	\$ 2,000
The Waterworks Loan	50,000
The Street Ends Loan	13,000
The Last Loan	25,000

be assumed entirely by the new City.

4. That the public works and improvements, outside the new City Limits, remain the property of the District Municipality.

5. That the following assets of the present Corporation be allotted to the City:—

Office and Hall Furniture	\$ 414
Wharves and Slips	2,809
Municipal Hall and Lots	6,013
Pound Lot and Buildings	493
S.S. "North Vancouver"	10,000

6. That the following assets of the present Corporation, namely, tax-sale lands of an assessed value of \$12,392, to be divided between the new City and the District Municipality according to the locality of the lands; that is to say, that all tax-sale lands lying within the proposed limits of the new City be allotted to the City, and those lying outside remain the property of the District Municipality.

7. That the arrears of taxes, valued at \$6,739, be divided in the same manner as provided in the last preceding paragraph.

8. That the sum at the credit of the sinking fund be divided as follows: The portion relating to the various debts assumed by the new City to go to the City, and the portion relating to the consolidated debt to be divided in the same proportion as that debt, viz., 80 per cent. to the City and 20 per cent. to the District Municipality.

9. That the water and waterworks system and all lands acquired or controlled in connection with watersheds be vested in the new City, the City assuming the entire indebtedness relating thereto.

10. That the Cemetery, viz., Lot 1,620, should be held and administered by the new City for the City and District Municipality.

11. That a special charter be obtained.

SCHEDULE B.

Commencing at a point in Burrard Inlet distant 2,300 feet due south from the south-west corner post of Lot 265; thence due north 2,300 feet to said south-west corner post of said Lot 265; thence 2,640 feet, more or less, to the north-west corner of said Lot 265; thence northerly through Lot 552 2,640 feet, more or less, to the south-west corner post of Lot 599; thence easterly along the north boundary of Lot 552 2,640 feet, more or less, to the north-east corner post of Lot 552; thence northerly along the west boundary of Lot 544 1,714 feet, more or less, to the north-west corner post of Lot 544; thence easterly along the north boundary of Lot 544 2,640 feet, more or less, to the north-east corner post of Lot 544; thence easterly along the north boundary of Lot 545 2,640 feet, more or less, to the north-east corner post of Lot 545; thence easterly along the north boundary of Lot 546 2,640 feet, more or less, to the north-east corner post of Lot 546; thence easterly along the north boundary of the northmost portion of Lot 616 990 feet, more or less, to the north-east corner of said portion; thence southerly along the east boundary of said northmost portion of Lot 616 3,069 feet, more or less, to the south-west corner of Lot 2025; thence easterly along the north boundary of the southmost portion of Lot 616 2,970 feet, more or less, to the north-east corner of said southmost portion of Lot 616; thence southerly along the east boundary of Lot 616 2,310 feet, more or less, to the south-east corner post of Lot 616; thence westerly along the south boundary of Lot 616 3,300 feet, more or less, to the south-west corner post of Lot 616; thence southerly along the west boundary of Lot 553 2,640 feet, more or less, to the south-west corner of Lot 553; thence easterly along the south boundary of Lot 553 660 feet, more or less, to the north-east corner post of Lot 273; thence southerly along the east boundary of Lot 273 a distance of

1,939.6 feet to the north boundary of that part of said Lot 273, the property of John Hendry; thence westerly along the north boundary of the property of the said Hendry to the east boundary of Lot 274; thence southerly along the said east boundary of Lot 274 to the high-water mark in Burrard Inlet; thence in the same line southerly 600 feet; and thence westerly in a straight line to the point of commencement; the said tract of land comprising the following lots, namely: 265, 271, 274, 273, except the portion thereof belonging to John Hendry, the easterly portion of Lot 552, and Lots 547, 548, 549, 550, 554, 545, 546, and 616, and the Mission Indian Reserve, all situate in Group One, New Westminster District, together with the foreshore in front on the north shore of Burrard Inlet as comprised within the said boundaries of the City of North Vancouver; the said tract of land being shown on a map or plan of the said City of North Vancouver deposited in the Land Registry Office at the City of Vancouver.

CHAPTER 38.

An Act to incorporate The Royal Institution for the Advancement of Learning of British Columbia.

[12th March, 1906.]

Preamble.

WHEREAS it is desirable, in the interest of higher education in the Province of British Columbia, that a college or colleges of McGill College and University (hereinafter referred to as "McGill University") be established for the higher education of men and women:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation.

1. William Peterson, C.M.G., LL.D., Principal of McGill University; the Hon. F. Carter-Cotton, of Vancouver; A. C. Flumerfelt, Esq., of Victoria; and J. W. Creighton, Esq., of New Westminster; together with such persons as they may associate with them for the purpose, are hereby constituted a body politic and corporate, with perpetual succession and a common seal, under the name of "The Royal Institution for the Advancement of Learning of British Columbia" (hereinafter called "the Royal Institution").

Powers with regard to property.

2. The Royal Institution shall have power to acquire, by gift, purchase, or otherwise, and to hold, grant, lease, sell, or otherwise dispose of, real and personal property of every kind whatsoever for the purposes of the corporation.

Establishment of College.

3. The Royal Institution may establish, at such place in British Columbia as the said McGill University may designate, a college

for the higher education of men and women, under the name of "The McGill University College of British Columbia" (hereinafter referred to as "the College").

4. The College shall, in respect of courses of study and examinations leading to degrees, be deemed to be a College of McGill University, and shall provide courses of study leading to degrees of McGill University.

Course of study
at College.

5. The Royal Institution shall consist of not less than eight and not more than fifteen members, one of whom shall be elected President. They shall have power, however, in addition, to give such representation to any School Board or other bodies in charge of public education as may be agreed upon. The Minister of Education of the Province of British Columbia, the Superintendent of Education of the said Province, the Principal of McGill University, and the Principal of the College shall be members ex officio.

Members of Royal
Institution.

6. The Royal Institution shall be the trustee of the College, and as such shall constitute its Board of Governors, and, subject to this Act, shall—

Powers of Royal
Institution as
trustee of College.

- (1.) Manage the financial and ordinary business of the College, including the investment of its moneys and the appointing of auditors for the examination of its accounts:
- (2.) Appoint and remove the Principal, Registrar, Professors, Lecturers, and Instructors and all other officers and servants of the College:
- (3.) Constitute the Professors and such other members of the teaching staff as they may from time to time determine into the Faculty or Faculties of the College:
- (4.) Determine from time to time, subject to the approval of the Faculty of the College, the fees to be paid by students:
- (5.) Make statutes or by-laws for regulating the selection and appointment of members of the Royal Institution, and for fixing and limiting, as far as may be deemed expedient, their term or terms of office and for the filling of vacancies therein, and generally for the conduct of the affairs thereof and of the College, and any such statute or by-law may thereafter from time to time be amended or repealed by any other statute or by-law of the said Royal Institution.

7. The instruction given to students of the College preparing for degrees shall be of a similar standard to that given in like subjects at McGill University at Montreal, and as announced from year to year in the calendar of McGill University. The courses of study and the examinations leading to degrees shall be such as may be prescribed from time to time by the Corporation of McGill University, but such modifications may hereafter be made in the courses

Instruction.

of study from time to time as the Faculty or Faculties of the College may, with the approval of the Corporation of McGill University, deem expedient in the interests of the students of the College. Students of the College taking the said courses of study and examinations shall be entitled to proceed to all degrees which may be made available in McGill University for proficiency in the subjects taught to the students of the College, upon the conditions prescribed from time to time by the Corporation of McGill University for such degrees.

Agreements with
Boards of School
Trustees regarding
higher education.

8. The Royal Institution may enter into an agreement with any Board of School Trustees, or any City Council, or any other body in charge of any branch of public education in the Province of British Columbia, whereby the Royal Institution shall undertake the conduct or administration of any part of the higher education work now carried on by any such bodies, and any Board of School Trustees, any City Council, and any body in charge of any branch of public education in the said Province may, notwithstanding anything in the education laws of the Province, enter into such an agreement with the Royal Institution and may transfer or pay over to the Royal Institution such equipment or moneys in consideration thereof as may from time to time be agreed upon: Provided that no agreement made in pursuance of this section shall be valid until it has been assented to by the Council of Public Instruction.

CHAPTER 44.

1902, c. 69.

An Act further to amend the "Vancouver General Hospital Act, 1902."

[12th March, 1906.]

Preamble.

WHEREAS, under and by virtue of the "Vancouver General Hospital Act, 1902," section 23, subsection (d), provision was made for the contribution on the part of the City of Vancouver, by way of subsidy, to the extent of fifty thousand dollars towards the cost of building and erecting a new Hospital on land vested by said Act in the Vancouver General Hospital, either by payment of so much money or by guaranteeing of the bonds or debentures of the Vancouver General Hospital:

And whereas, by the "Vancouver General Hospital Act, 1902, Amendment Act, 1903," the said City of Vancouver was authorized

to borrow a sum of fifty thousand dollars to be paid to the Vancouver General Hospital under the terms and conditions of the said subsection (d) of section 23 of the "Vancouver General Hospital Act":

And whereas the said sum of fifty thousand dollars and a further sum of one hundred thousand dollars was borrowed upon debentures of the City of Vancouver duly issued:

And whereas new buildings have been erected for the purposes of the Vancouver General Hospital, and further funds are required and may be required from time to time to carry out the objects of the "Vancouver General Hospital Act, 1902":

And whereas it is deemed advisable to grant power to the Corporation incorporated by the "Vancouver General Hospital Act, 1902," to raise from time to time, by way of bonds or debentures, or both, a loan or loans for the purposes of the said Hospital and the objects of the said Act:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Vancouver General Hospital Short title.
Act, 1902, Amendment Act, 1906."

2. (1.) The Corporation, by the name of "The Vancouver General Hospital," shall have power exercisable by the directors, in addition Power to borrow money. to all other powers conferred by the Act of incorporation, to borrow money for the purposes of carrying out the objects of the said Corporation, and which the directors thereof may consider necessary for the proper management of its affairs, or the fulfilment and requirements and purposes of the said Hospital, and to execute bonds and to issue debentures for money borrowed or to be borrowed by it for the purposes aforesaid, and to pledge debentures as security for temporary loans.

(2.) The debentures of the City of Vancouver, issued under the provisions of the Act to amend the "Vancouver General Hospital Act, 1902, Amendment Act, 1903," and the debentures for the further advance of one hundred thousand dollars as recited in the preamble of this Act, shall, as liabilities of the said the Vancouver General Hospital, rank *pari passu* with the bonds or debentures, or both, first issued under the authority of this Act.

3. The powers conferred by this Act shall not be exercised except Debentures to be guaranteed by City of Vancouver. the Corporation of the City of Vancouver shall guarantee or endorse the bonds or debentures to be issued.

CHAPTER 45.

An Act to authorize, under certain Conditions, the Sale by the Corporation of the City of Victoria of certain Lands held for Park Purposes in the City of Victoria.

[12th March, 1906.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Victoria Parks Act, 1906."

Lieut.-Governor in Council may assent to sale of certain lands granted to Victoria for park purposes.

2. It shall be lawful for the Lieutenant-Governor in Council to assent to the sale by the Corporation of the City of Victoria of the lands granted to them for park purposes, described as follows:—

All and singular that certain parcel or tract of land and premises situate, lying, and being in the City of Victoria, and more particularly known and described as Block 50 (fifty), as shown on the official map of the said City of Victoria:

Also all and singular those certain parcels or tracts of land and premises situate, lying, and being in the City of Victoria, and more particularly known and described as Lots No. 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, Block 66 (sixty-six), as shown on the official map of the said City of Victoria.

Conveyance of said lands.

3. It shall be lawful for the Corporation of the City of Victoria, with the assent of the Lieutenant-Governor in Council, to grant and convey in fee-simple the lands described in section 2 hereof, or any portion of the same, to any purchaser from the Corporation, freed from the trusts contained in the respective grants of the said lands expressed in the grants of the same from the Crown, both dated the thirtieth day of September, 1889, and numbered 1425 and 1426 respectively. All moneys received by the said Corporation from the sale of the said lands, or any portion thereof, shall be applied to the acquisition and improvement of other lands for park purposes.

Application of proceeds.

Victoria Terminal Railway and Ferry (Amendment)	12th March, 1906.
Ashcroft, Barkerville, and Fort George Railway Company	12th March, 1906.
Bella Coola and Fraser Lake Railway Company ..	12th March, 1906.
British Columbia Central Railway Company	12th March, 1906.
British Columbia Northern and Alaska Railway Company	12th March, 1906.
British Columbia Northern and Mackenzie Valley Railway Company	12th March, 1906.
Cowichan, Alberni, and Fort Rupert Railway Company	12th March, 1906.
Canadian Plate Glass Insurance Company	12th March, 1906.

CHAPTER 56.

An Act to amend the "False Creek Foreshore Act, 1904."

[12th March, 1906.]

WHEREAS the Corporation of the City of Vancouver has by its Preamble.
petition prayed that it be enacted as hereinafter set forth,
and it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia, enacts as
follows:—

1. Section 5 of the said Act is hereby repealed, and the following
substituted therefor:—

"(5.) In arriving at the value of any lands, rights, or interests At what date lands
to be valued.
expropriated, the arbitrators shall take the value of the lands, rights,
or interests at the date of the first actual sitting of the arbitrators."

2. Section 8 of the "False Creek Foreshore Act, 1904," is hereby Amendment to s. 8.
amended by striking out, in the tenth line of the said section, the
words "carrying-out of the said works of reclamation," and substituting
therefor the words "purchase, taking, or extinguishment of the lands,
rights, littoral, riparian interests, rights of access to the waters of
False Creek, or foreshore rights in, on, or contiguous to the foreshore
and waters of False Creek, required for the purpose of altering,
reclaiming, or improving the bed or foreshore of False Creek, as
defined in section 1, the construction of streets, erection

Borrowing-powers.

of docks, wharves, harbours therein or thereon"; and by inserting between the words "debentures" and "the," in the twelfth line thereof, the word "of," and between the words "moneys" and "on," in the said line, the word "therefor"; and by striking out the words "to pay for the same" in the thirteenth line thereof; and by adding to the said section the following words: "and the Corporation is hereby authorized and empowered to alter, reclaim, or improve the said bed or foreshore of False Creek, as defined in section 1, and to construct streets, and to erect docks, wharves, retaining-walls, warehouses, harbours, or such other works as the said Corporation may deem necessary therein or thereon; and for all the purposes of this Act, and for carrying out the objects thereof, the said Corporation is hereby authorized from time to time, by by-law or by-laws passed in accordance with the said section 103 of the "Vancouver Incorporation Act, 1900," to provide for the raising and to raise the necessary moneys on the credit of the City of Vancouver to pay for the same, payable in instalments spread over a number of years, and for levying rates for payment of such debts on the rateable property of the city, and for pledging or hypothecating any rents or revenue from the premises reclaimed, harbour or docks, or other works, for the payment of the debt in addition to or in lieu of the general credit of the city."

Time of debentures. **3.** Section 9 of said Act is hereby amended by substituting for the word "fifty," in the third line thereof, the words "one hundred."

Amendment to s. 13. **4.** Section 13 of the said Act is hereby amended by striking out the words "and the by-law assented to by the electors as herein-before provided" in the second and third lines of said section; and by striking out the figures "1907" in the fourth line thereof, and substituting therefor the figures "1908," and by striking out the figures "1908" in the sixth line of the said section, and substituting therefor the figures "1909."

Short title. **5.** This Act may be cited as the "False Creek Foreshore Act, 1904, Amendment Act, 1906."

Granby Consolidated Mining, Smelting, and Power
Company (Amendment)12th March, 1906.
Kamloops and Yellowhead Pass Railway Com-
pany12th March, 1906.
Lightning Creek Gold Gravels and Drainage Com-
pany (Amendment)12th March, 1906.

Midway and Vernon Railway Company (Amendment)	12th March, 1906.
Pacific Coast Fire Insurance Company (Amendment)	12th March, 1906.
Royal Plate Glass Insurance Company of Canada	12th March, 1906.
South-East Kootenay Railway Company	12th March, 1906.
St. Mary's and Cherry Creek Railway Company..	12th March, 1906.
St. Mary's Valley Railway Company	12th March, 1906.
Southern Okanagan Railway Company	12th March, 1906.
Union Steamship Company of British Columbia..	12th March, 1906.
Vancouver Incorporation (Amendment)	12th March, 1906.
[Consolidated with other Vancouver Incorporation Acts.]	

A.D. 1907.

British Columbia Anti-Tuberculosis Society25th April, 1907.

CHAPTER 15.

An Act to amend the "Dyking Assessments Adjustment 1905, c. 20.
Act, 1905."

[25th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Dyking Assessments Adjustment Act, 1905, Amendment Act, 1907." Short title.

2. For the purpose of providing for the cost of operating, maintaining, repairing, and managing the dyking-works in the Pitt Meadows Dyking District, the said district shall be divided into two tracts, described as follows:—

Tract Number 1.—To consist of Subdivisions 1 to 31, inclusive, being portions of Sections 25, 35, and 36, Township 9, and of Sections 1, 2, and 3 of Township 40, New West-

Pitt Meadows District divided into two tracts.

minster District, as shown and coloured green on the map deposited in the Land Registry Office, New Westminster, and dated second October, 1897:

Tract Number 2.—To consist of Sections 32 to 58, inclusive, being portions of Sections 2, 3, 4, 9, 10, and 11, Township 40, and the northern portions of Sections 1 and 2, R. 1 E., B. 6 N., New Westminster District, as shown and coloured green on the map deposited in the Land Registry Office, New Westminster, and dated second October, 1897.

Separate assessment
of said tracts.

3. The memorandum and assessment rolls provided for in section 14 of chapter 20 of the Statutes of 1905, being the "Dyking Assessments Adjustment Act, 1905," shall, as to the said Pitt Meadows Dyking District, be prepared, made, and filed separately as to each of the tracts described in section 2 of this Act; and each of said tracts shall, after the thirtieth of September, 1906, have assessed against it annually for maintenance and the actual expenditure incurred in operating, maintaining, and managing the dyking-works thereof.

Amends s. 4.
Amount to be
assessed against
said tracts.

4. Section 4 of said Act is hereby amended by striking out all the words in the tenth and eleventh lines thereof, and by substituting therefor the following:—

"Tract No. 1, Pitt Meadows District, \$17,070.

"Tract No. 2, Pitt Meadows District, \$17,798."

Amends s. 10.

5. Section 10 of said Act is hereby amended by inserting after the word "revised," in the second line thereof, the words "memorandum and."

Ss. 19A, 19B, 19C,
and 19D added.

6. The said Act is hereby amended by inserting after section 19 thereof the following sections:—

Plan of portion
of lot, etc.

"19A. Any owner or occupier who claims to own or occupy only a portion of a lot, block, or quarter-section, of which no subdivision plan showing such portion has been deposited in the Land Registry Office, shall, in order to have his claim considered, furnish the Inspector of Dykes, if called upon to do so, with a plan under the hand of a Provincial land surveyor, showing the position of the portion which he claims, and describing it by metes and bounds.

Assessment of
property of
municipality.

"19B. All Provincial Crown lands and lands, roads, and other works owned, used, or held in trust by any municipality within the Chilliwack, Matsqui, Maple Ridge, Coquitlam, and Pitt Meadows Dyking Districts shall be liable to be assessed upon the same principles and subject to the same conditions as the lands of private proprietors.

Recovery by action
of assessments due
by municipalities.

"19C. If the assessments, or any part thereof, payable by any municipality are not paid when the same become due, they may be recovered with interest at six per centum (6%) per annum from the

date on which they fall due, together with costs, by action brought by the Inspector of Dykes in the County Court having jurisdiction in the dyking district. In any such action the production of a copy of so much of the assessment roll as relates to the assessments payable by such municipality, purporting to be certified as a true copy by the Inspector of Dykes, shall be prima facie evidence of the debt.

"19d. Sections, 19b and 19c shall relate back to and shall apply to assessments of municipal corporations made in the years 1905 and 1906." Operation of ss. 19b and 19c.

7. The said Act is hereby further amended by inserting after S. 20a added. section 20 the following section:—

"20A. A Court of Revision shall be held each year by the Inspector of Dykes for each of the Chilliwack, Matsqui, Maple Ridge, Coquitlam, and Pitt Meadows Dyking Districts, at such time and place as he may determine, to hear and adjudicate upon appeals from the owners and occupiers of land assessed under the "Dyking Assessments Adjustment Act, 1905," and amending Acts, on the ground that their assessment contains errors either in description or acreage. A notice in the form Schedule J shall be mailed to each person whose address is known to the Inspector of Dykes, and whose name appears on the assessment roll for the year, at least two weeks before the holding of the Court of Revision." Court of Revision.

8. Section 39 of said Act is hereby amended by inserting after the word "except," in the sixth line thereof, the words "liens for taxes." Amends s. 39.

9. All appointments and selections of Commissioners purporting to be made prior to 1905 under the "Draining, Dyking, and Irrigation Act, 1894," and any Act or Acts amending or substituted therefor, and all acts, proceedings, and assessments of such Commissioners prior to the year 1905, and the dyking districts actually formed or dealt with as formed under said Acts, in so far as they relate or have reference to the districts mentioned in the "Dyking Assessments Adjustment Act" of 1905, are hereby ratified and confirmed. Ratification of appointment, selection, etc., of Commissioners.

10. Schedules A, B, C, D, F, and H, attached to said "Dyking Assessments Adjustment Act, 1905," are hereby repealed, and Schedules A, B, C, D, F, and H hereto are substituted therefor. Re-enacts Schedules A, B, C, D, F, and H.

11. Schedule E attached to said Act is hereby amended by striking out the words "The above assessment shall be payable on the 31st December, 19 , at ,," where they occur therein, and by substituting therefor "The above assessment shall be payable on the 31st day of December, 19 , at the office of the Inspector of Dykes, Victoria, B.C." Amends Schedule E.

12. Schedule G attached to said Act is hereby amended by striking out the words "The above amount shall be payable on the 31st day" Amends Schedule G.

of December, 19 , at ,” where they occur therein, and by substituting therefor “ The above assessment shall be payable on the 31st day of December, 19 , at the office of the Inspector of Dykes, Victoria, B.C.”

SCHEDULE A.

.....DYKING DISTRICT.

REVISED MEMORANDUM AND ASSESSMENT ROLL.

19 .

Assessable acreage.....
Capital charge..... \$.....

Assessment on Capital Charge.

Sinking fund, 1½ per cent..... \$.....
Interest, 3½ per cent.....

Total assessment..... \$.....
Assessment per acre..... \$.....

The above assessment shall be payable on the 31st December, 19 , at the office of the Inspector of Dykes, Victoria, B.C.

.....
Inspector of Dykes.

Owner or Occupier.	DESCRIPTION.					ACREAGE.		Rate per Acre.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.	Lot.	Total.		

SCHEDULE B.

MAPLE RIDGE DYKING DISTRICT.

REVISED MEMORANDUM AND ASSESSMENT ROLL.

19 .

Assessable acreage.....	.....
Capital charge on high land.....	\$.....
Capital charge on low land.....	.....
Total capital charge.....	\$.....

Assessment on Capital Charge.

Sinking fund, 1½ per cent.....	\$.....
Interest, 3½ per cent.....	.....
Total assessment.....	\$.....
Assessment, per acre, on high land...	\$.....
Assessment, per acre, on low land....	\$.....

The above assessment shall be payable on the 31st December, 19 , at the office of the Inspector of Dykes, Victoria, B.C.

Inspector of Dykes.

Owner or Occupier.	DESCRIPTION.					Acreage High Land.	Rate per Acre.	Assessment.	Acreage Low Land.	Rate per Acre.	Assessment.	Total Assess- ment.
	Subdivision.	Block.	Lot.	Section.	Township.							

SCHEDULE C.

.....DYKING DISTRICT.

19 .

In pursuance of sections 10 and 11 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that a Revised Memorandum and Assessment Roll of the above Dyking District has been duly filed in the Land Registry Office at New Westminster, B.C., and following is a copy of so much of the Assessment Roll as refers to your lands:—

Owner or Occupier.	DESCRIPTION.					ACREAGE.		Rate per Acre.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.	Lot.	Total.		

The above assessment shall be payable on the 31st day of December, 19 ,
at the office of the Inspector of Dykes, Victoria, B.C.

.....
Inspector of Dykes.

To

SCHEDULE D.

MAPLE RIDGE DYKING DISTRICT.

19 .

In pursuance of sections 10 and 11 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that a Revised Memorandum and Assessment Roll has been duly filed in the Land Registry Office at New Westminster, B.C., and following is a copy of so much of the said Assessment Roll as refers to your lands:—

Owner or Occupier.	DESCRIPTION.					Acreage High Land.	Rate per Acre.	Assessment.	Acreage Low Land.	Rate per Acre.	Assessment.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.							

The above assessment shall be payable on the 31st day of December, 19 , at the office of the Inspector of Dykes, Victoria, B.C.

.....
Inspector of Dykes.

To

SCHEDULE F.

MAPLE RIDGE DYKING DISTRICT.

*Maintenance Memorandum and Assessment Roll for the Year ending
30th September, 19 .*

Assessable acreage high land.....	\$.....
Assessable acreage low land.....	.....

Total assessable acreage..... \$.....

Cost of maintenance for the twelve months ending 30th September, 19 ,
as follows:—

Total, \$.....

Annual assessment, per acre, high land... \$.....

Annual assessment, per acre, low land... \$.....

The above assessment shall be payable on the 31st December, 19 , at the office of the Inspector of Dykes, Victoria, B.C.

Inspector of Dykes.

Owner or Occupier.	DESCRIPTION.				
	Subdivision.	Block.	Lot.	Section.	Township.
					Acreage High Land.
					Rate per Acre.
					Assessment.
					Acreage Low Land.
					Rate per Acre.
					Assessment.
					Total Assessment.

SCHEDULE H.

MAPLE RIDGE DYKING DISTRICT.

In pursuance of section 14 of the "Dyking Assessments Adjustment Act, 1905," notice is hereby given that the Maintenance Memorandum and Assessment Roll of the above Dyking District for the year ending 30th September, 19 , has been duly filed in the Land Registry Office, New Westminster, B.C., and following is a copy of so much of the said Assessment Roll as refers to your lands :—

Owner or Occupier.	DESCRIPTION.					Acreage High Land.	Rate per Acre.	Assessment.	Acreage Low Land.	Rate per Acre.	Assessment.	Total Assessment.
	Subdivision.	Block.	Lot.	Section.	Township.							

The above assessment shall be payable on the 31st December, 19 , at the office of the Inspector of Dykes, Victoria, B.C.

.....
Inspector of Dykes.

To .

SCHEDULE J.

.....DYKING DISTRICT.

19 .

To :

SIR,—Take notice that the undermentioned parcel of land stand in your name, as liable to dyking assessments, in the Assessment Roll of the above District for the year 19 .

A Court of Revision will be held at a.m. on the day of , 19 , at which the Inspector of Dykes will hear any appeal

from the proposed assessment either as to errors in description or acreage. You can appear before the Court personally, by agent, or by letter addressed to the Inspector of Dykes.

.....
Inspector of Dykes.

DESCRIPTION.					ACREAGE.	
Subdivision	Block.	Lot.	Section.	Township.	Lot.	Total.

CHAPTER 30.

1906, c. 35.

An Act to amend the "North Vancouver City Incorporation Act, 1906."

[25th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "North Vancouver City Incorporation Act Amendment Act, 1907."

Re-enacts
Schedule B.

2. Schedule B to the "North Vancouver City Incorporation Act, 1906," is hereby repealed, and Schedule B to this Act substituted therefor.

Amends s. 3.

3. Section 3 of the "North Vancouver City Incorporation Act, 1906," is hereby amended by adding thereto the following words: "and shall further specify and provide for the matters referred to in sections 4, 5, and 6 of this Act as and in manner therein set forth."

What letters patent
shall specify.

Qualification for
Mayor at first
election.

4. The qualification for Mayor of the city at the first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the day of his

nomination, and is then, the registered owner in the Land Registry Office of real property situated within the city of the assessed value on the last revised municipal assessment roll of the district, or on the last revised municipal assessment roll for school purposes of District Lot 273, of five hundred dollars or more over and above any registered charge, and being otherwise duly qualified as a voter.

5. The qualification for Alderman of the city at the first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the day of his nomination, and is then, the registered owner in the Land Registry Office of real property situated within the city of the assessed value on the last revised municipal assessment roll of the district, or on the last revised municipal assessment roll for school purposes of District Lot No. 273, of two hundred and fifty dollars or more over and above any registered charge, and being otherwise duly qualified as a voter.

Qualification for Aldermen at first election.

6. The poll to be taken by the Returning Officer shall be open from nine o'clock a.m. to seven o'clock p.m. on the day named, and the Returning Officer shall have authority to appoint Deputy Returning Officers, Poll Clerks, constables, and such other officers as he may deem necessary for taking such poll and for maintaining order at the polling-station.

Poll at first election.

7. The provisions of section 8 of the said Incorporation Act shall also apply to the supplementary agreement, Schedule A to this Act.

Application of s. 8 to supplementary agreement.

8. Section 11 of the said Incorporation Act is hereby repealed, and the following substituted therefor:—

Repeals s. 11.

“11. All persons whose names are, at the date of the incorporation of the city, on the voters' list for that part of the district municipality included in the city, and any male or female, being a British subject of the full age of twenty-one years, and being a freeholder, a householder for at least six months previous to such election, a pre-emptor or leaseholder for a term of not less than six months, resident within the said city, shall be entitled to vote at the first municipal election under this Act, but no female shall be qualified to sit or vote as Mayor or Alderman.”

Qualification of voters.

9. Section 12 of the said Incorporation Act is hereby repealed, and the following substituted therefor:—

Re-enacts s. 12.

“12. It shall be the duty of the Returning Officer to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons qualified under section 11 of the said Incorporation Act, and such list shall be the municipal voters' list.”

Voters' list.

10. Subsection (a) of section 14 of the said Incorporation Act is hereby repealed, and the following substituted therefor:—

Re-enacts subsec. (a) of s. 14.

Powers to make
by-laws regulating,
etc., waterworks
system.

“(a.) To regulate and extend the waterworks system heretofore belonging to and under the control of the Corporation of the District of North Vancouver; to extend the said system to all parts of the city, and to supply water therefrom, as vendors, throughout adjoining municipalities (with the consent of the municipalities); to obtain further supplies of water; and, in addition to all other powers, to purchase lands within or without the city for watershed, reservoirs, rights-of-way, and other purposes connected with the water system; to appoint a Board of three Water Commissioners to administer and manage the waterworks system of the city, and to define and regulate the powers and duties and remuneration of such Water Commissioners.”

Re-enacts s. 15.

11. Section 15 of the said Incorporation Act is hereby repealed, and the following substituted therefor:—

Power to borrow
\$245,000.

“15. It shall be lawful for the Council of the city, by a by-law or by-laws to be passed without any petition and without the previous assent of the electors, at any time or times, and in one or more sums at a time, to borrow upon the credit of the city at large the sum of two hundred and forty-five thousand dollars, by debentures, being the proportion of the debt of the said district corporation taken over and assumed by the city under the agreement, Schedule A to the said Incorporation Act (and therein referred to in five items) and under the agreement, Schedule A to this Act, and that at such a rate or rates of interest, not greater than five per cent., as the Council may see fit, and such debentures shall be issued under the formalities contained in the ‘Municipal Clauses Act,’ save as herein provided, and may be for a period not exceeding fifty years from their date.”

Amends s. 19.

12. Section 19 of the said Incorporation Act is hereby amended by striking out the figures “180” in the sixth line thereof, and substituting therefor the figures “182.”

Re-enacts s. 21.

13. Section 21 of the said Incorporation Act is hereby repealed, and the following substituted therefor:—

Costs of
incorporation.

“21. The Council of the city shall, after they come into office, pay out of the ordinary revenue of the city, all costs, charges, and expenses incurred in and about the proposed incorporation of the City under special charter, including all expenses of preparing and printing the charter and of promoting the proposed private Act applied for in 1906, and all costs, charges, and expenses of the incorporation of the city under the ‘North Vancouver City Incorporation Act, 1906,’ and of this Act.”

Assessment roll
for 1907.

14. The last revised assessment roll of the said corporation, so far as applicable to the city area, and the last revised assessment

roll for school purposes of that part of District Lot 273 to be included in the city area, shall be the assessment roll of the city for the year 1907 for all purposes.

15. The levy made by the present district municipality for the year 1907 shall be the levy for all purposes so far as applicable to the city area. The City of North Vancouver shall be entitled to levy and collect taxes for all municipal purposes on all real estate and improvements on that part of District Lot 273 included in the city area on the basis of the assessment roll for school purposes referred to in the preceding section, and that for the period from the thirtieth day of June, 1907, to the thirty-first day of December, 1907, such taxes to become due and payable to the City of North Vancouver on the first day of July, 1907.

Levy made by district municipality for 1907.

16. After the incorporation of the City of North Vancouver, the remaining area of the present District Municipality of North Vancouver (hereinafter referred to as the "district municipality") shall remain a duly constituted municipality under its present name of the "Corporation of the District of North Vancouver," and under its present letters patent, subject only to the provisions hereinafter contained.

District of North Vancouver.

17. After the issue of the letters patent for the incorporation of the city as hereinbefore provided for, the Reeve and Council of the district as at present constituted shall hold office until new Councils for the city and for the district municipality have been elected as in this Act provided.

When Reeve and Council of present district municipality to go out of office.

18. The district municipality shall be divided into two wards for all purposes, and the Council shall consist of a Reeve and four Councillors, two for each ward, until otherwise divided as provided under the "Municipal Clauses Act."

Division of new district municipality into wards.

19. The wards shall be as follows:—

Boundaries of wards.

Ward One shall consist of all that area of the district municipality lying west of the city area and west of a line drawn due north from the centre of Lonsdale Avenue (North) to the northern boundary of the district municipality:

Ward Two shall consist of all the area of the district municipality lying east of District Lot 272 and of the said city area and east of a line drawn due north from the centre of Lonsdale Avenue (North) to the northern boundary of the district municipality.

20. A nomination for a first Council of the district municipality shall be held on the third Saturday after the letters patent have been issued incorporating the City of North Vancouver, and the election,

Election in new district municipality.

in case a poll shall be demanded, shall be held on the following Saturday after such nomination, between the hours of nine o'clock a.m. and seven o'clock p.m., and shall be conducted in accordance with the provisions of the "Municipal Elections Act"; the Returning Officer to be appointed by the Lieutenant-Governor in Council, with authority to such Returning Officer to appoint Deputy Returning Officers, Poll Clerks, constables, and such other officers as he may deem necessary for taking such poll and in maintaining order at the polling-station.

Polling-place.

21. The nomination and poll (if any) shall be held at the Municipal Hall, North Vancouver. Seven days' notice of the time and place of nomination and of the holding of the poll (if any) shall be given by the said Returning Officer in a newspaper published or circulated in the municipality, and, further, for a like period shall be posted up at the entrance of the said Municipal Hall and in each ward.

Mode of voting.

22. The Returning Officer shall provide a ballot-box and the necessary ballots for use in the said first election, and he shall, so far as may be, conduct such election in conformity with the provisions of the "Municipal Elections Act."

Application of certain sections of "North Vancouver Incorporation Act."

23. The provisions of sections 11, 12, and 13 of the "North Vancouver Incorporation Act, 1906," as amended by this Act, shall, so far as may be, apply to the qualifications of voters and voters' list for the first election in the district municipality.

District municipality empowered to borrow \$45,000.

24. It shall be lawful for the Council of the district municipality, by a by-law or by-laws to be passed (without any petition and without the previous assent of the electors) at any time or times, and in one or more sums at a time, to borrow upon the credit of the district municipality at large the sum of forty-five thousand dollars, by debentures, being the proportion of the present debenture debt of the Corporation of the District of North Vancouver, not taken over and assumed by the city municipality under the agreements in Schedule A to the "North Vancouver Incorporation Act, 1906," and Schedule A to this Act, at such rate or rates of interest, not greater than five per cent., as the Council may see fit, and such debentures shall be issued under the formalities contained in the "Municipal Clauses Act," save as herein provided, and may be for a period not exceeding fifty years from their date.

Interpretation of "Municipal Clauses Act."

25. The "Municipal Clauses Act" referred to in said Incorporation Act and in this Act shall mean the "Municipal Clauses Act" now in force and any amendment thereto.

SCHEDULE A.

THIS INDENTURE, made the day of
Between,

THE CORPORATION OF THE DISTRICT OF NORTH VANCOUVER (hereinafter referred to as "the District Corporation") of the first part;

and

EDWARD MAHON, W. A. BAUER, ARTHUR B. DIPLOCK, and GEORGE J. PHILLIPO, all of North Vancouver, in the Province of British Columbia, on behalf of themselves and all others the inhabitants of the city area (hereinafter referred to as "the City"), of the second part.

Whereas an indenture dated the twenty-first day of February, 1906, between the parties hereto has not been made operative, through a necessary delay in carrying out the incorporation of the City, and it is now necessary to enter into this Agreement to supplement the said indenture and vary certain provisions thereof:

Therefore, this Agreement witnesseth:—

First: That for the consideration specified in the said indenture, and for the additional consideration herein stipulated, the District Corporation doth hereby grant and convey to the City the following properties, in addition to those specified in the said indenture, viz.:—

- (1.) Lots Three (3) and Four (4) of Block One hundred and thirty-one (131), of District Lot Two hundred and seventy-four (274), purchased for fire-hall and gaol, and the buildings thereon:
- (2.) The north-east part of Block Seventy-four (74), of District Lot Five hundred and forty-nine (549), measuring one hundred and sixty-nine (169) feet by one hundred and forty (140) feet, purchased for fire-hall and other purposes, and the buildings thereon:
- (3.) Lots A, B, C, D, and E of Block One hundred and twelve (112), of District Lot Two hundred and seventy-one (271) and Five hundred and forty-eight (548), known as Ottawa Gardens:
- (4.) The area of land in District Lot Five hundred and fifty (550), proposed to be set apart by the North Vancouver Land and Improvement Company as a park and boulevard, along and near to Queensbury Avenue, but subject to the payment to that company of the consideration required therefor, as set forth in resolution of the Council:
- (5.) The further sum of thirteen hundred and five dollars (\$1,305), being proportion of sinking fund accumulated since the date of said indenture.

Second: Subsection nine (9) of the first section of said indenture is hereby cancelled, and the following is substituted therefor:—

- "(9.) That part of the current levy of taxes and assessment for 1907 and all arrears of taxes and assessments remaining due from real estate within the city area as at the date of the letters patent incorporating the City, and all rights and privileges in connection therewith."

Third: The City covenants to pay the following additional liabilities of the said Corporation, viz.:—

- (1.) Two-thirds of the Corporation's loan of seventy-five thousand dollars, viz.: fifty thousand dollars:
- (2.) The Waterworks Loan No. 2, twenty-five thousand dollars, or so much of the said loan as may be due to the Bank of British North America at the time of incorporation, as may be determined under the provisions of section 4 of this Agreement:
- (3.) Any sums due to contractors and others at the date of incorporating the City for work being carried on in the city area, and for

management expenses, it being understood that the separate District Municipality will provide for and pay all sums then due in respect of work being carried on in the district area.

Fourth: Subsection (6) of paragraph 3 of the said indenture is hereby cancelled.

Fifth: It is agreed that the proportion of debt of overdraft due to the Bank of British North America on the security of the District Corporation bonds, which shall form a charge against the District Municipality after the incorporation of the City, shall be ascertained by an account taken as at the date of the incorporation of the City of the amount actually paid to contractors for work in opening new roads or erecting new or reconstructing old bridges within the area of the said District Municipality since the date of the passing of the North Vancouver Loan By-law No. 7.

Sixth: In respect of the revenue from the area which shall form the District Municipality from first January, 1906, to date of incorporation, it is hereby agreed that the City will pay to the District Municipality the sum of two thousand dollars as the proportion thereof unexpended in the interest and for the benefit of that area.

Seventh: Section 7 of the said indenture is hereby cancelled.

Eighth: The provisions of section 8 of the said indenture shall also apply to any question or dispute that may arise regarding the interpretation of this Agreement.

Ninth: Section 9 of the said indenture is hereby cancelled, and the said indenture and this Agreement shall not come into effect, or be operative, until the said City is duly incorporated by letters patent, in terms of the "North Vancouver City Incorporation Act, 1906," and any amendment thereof.

In witness whereof the parties hereto have hereunto set their hands and seals and the seal of the said Corporation has been affixed on the day and year first above written.

Signed, sealed, and delivered }
in the presence of— }

SCHEDULE B.

Commencing at a point in Burrard Inlet distant 2,640 feet due south from the south-west corner post of Lot 265; thence due north 2,640 feet to said south-west corner post of said Lot 265; thence 2,640 feet, more or less, to the north-west corner of said Lot 265; thence northerly through Lot 552 2,640 feet, more or less, to the south-west corner post of Lot 599; thence easterly along the north boundary of Lot 552 2,640 feet, more or less, to the north-east corner post of Lot 552; thence northerly along the west boundary of Lot 544 1,714 feet, more or less, to the north-west corner post of Lot 544; thence easterly along the north boundary of Lot 544 2,640 feet, more or less, to the north-east corner post of Lot 544; thence easterly along the north boundary of Lot 545 2,640 feet, more or less, to the north-east corner post of Lot 545; thence easterly along the north boundary of Lot 546 2,640 feet, more or less, to the north-east corner post of Lot 546; thence easterly along the north boundary of the northmost portion of Lot 616 990 feet, more or less, to the north-east corner of said portion; thence southerly along the east boundary of said northmost portion of Lot 616 3,069 feet, more or less, to the south-west corner of Lot 2,025; thence easterly along the north boundary of the southmost portion of Lot 616 2,970 feet, more or less, to the north-east corner of said southmost portion of Lot 616; thence southerly along the east boundary of Lot 616 2,310 feet, more or less, to the south-east corner post of Lot 616; thence westerly along the south

boundary of Lot 616 3,300 feet, more or less, to the south-west corner post of Lot 616; thence southerly along the west boundary of Lot 553 2,640 feet, more or less, to the south-west corner of Lot 553; thence easterly along the south boundary of Lot 553 660 feet, more or less, to the north-east corner post of Lot 273; thence southerly along the east boundary of Lot 273 a distance of 1,939.6 feet to the north boundary of that part of said Lot 273, the property of John Hendry; thence westerly along the north boundary of the property of the said Hendry to the east boundary of Lot 274; thence southerly along the said east boundary of Lot 274 to the high-water mark in Burrard Inlet; thence in the same line southerly 1,320 feet; and thence westerly in a straight line to the point of commencement; the said tract of land comprising the following lots, namely: 265, 271, 274, 273, except the portion thereof belonging to John Hendry, the easterly portion of Lot 552, and Lots 547, 548, 549, 550, 544, 545, 546, and 616, and the Mission Indian Reserve, all situated in Group One, New Westminster District, together with the foreshore in front of the north shore of Burrard Inlet as comprised within the said boundaries of the City of North Vancouver; the said tract of land being shown on a map or plan of the said City of North Vancouver deposited in the Land Registry Office at the City of Vancouver.

CHAPTER 34.

An Act to amend "An Act to incorporate the Royal Institution for the Advancement of Learning of British Columbia, 1906." 1906, c. 38.

[25th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Royal Institution Act Amend- Short title.
ment Act, 1907."

2. Chapter 38 of the Statutes of 1906 is hereby amended by adding S. 9 added.
thereto the following section:—

"9. This Act may be cited as the 'Royal Institution Act.' " Short title.

3. Section 7 of said chapter 38 is hereby amended by adding Amends s. 7.
thereto the following subsections:—

"(2.) The Royal Institution may further establish, maintain, and Additional powers.
conduct, under such name or names as may be determined upon,
other college or colleges of like character and institutional standing
with that provided for in sections 3 and 4 hereof.

"(3.) The provisions of sections 5, 6, and 7 of this Act shall apply, Conduct of addi-
mutatis mutandis, in the administration and conduct of any such
tional colleges.
additional college or colleges, and the principal of any such college
shall be ex officio a member of the Royal Institution."

CHAPTER 36.

An Act relating to the Municipality of the City of Slocan.

[25th April, 1907.]

Preamble.

WHEREAS on the third day of April, 1903, the Municipality of the City of Slocan passed a by-law, No. 17, for the purpose of borrowing ten thousand dollars on debentures to enable the said city to grant a bonus to the Ontario-Slocan Lumber Company, Limited:

And whereas the said by-law was duly ratified by the ratepayers in accordance with the "Municipal Clauses Act," and debentures were issued thereunder for the said sum of ten thousand dollars, in denominations of one hundred dollars each:

And whereas, under and by virtue of the said by-law, the principal sum of the said debt was made repayable by yearly sums during the period of ten years, being the currency of the said debentures, such yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt is as nearly as possible equal to the amount so payable in each of the other nine years of said period:

And whereas the total amount required to be raised annually for paying the said debt and interest as in said by-law provided is one thousand dollars, payable on the sixth day of April:

And whereas there is still due and payable on the part of the said municipality in respect of the said debentures the sum of seven thousand dollars, but the said municipality is not in arrears of any payments of principal and interest under the said by-law:

And whereas the said debentures were all sold to the British Columbia Trust Company, Limited, which said company is still the holder of all the debentures issued under the provisions of the said by-law which have not matured:

And whereas the said municipality has a floating debt of one thousand five hundred dollars:

And whereas it has been agreed between the said municipality and the said company, with the consent of the Legislative Assembly of the Province of British Columbia, to cancel such of the said debentures that have not matured at the time of the passing of this Act, and replace the same by new debentures payable at the same place, making the aggregate amount payable in each year for principal and interest, in respect of the said debt and of the new indebtedness in respect of the said floating debt, six hundred dollars, instead of the said sum of one thousand dollars, and payable on the first of August instead of the sixth day of April, and to extend the time for the repayment of the whole of the said debt accordingly; and the said

company has agreed to lend the said municipality the further sum of two thousand eight hundred and forty dollars, being the amount of debentures required to produce the amount of the said floating indebtedness, to enable the said municipality to discharge the same:

And whereas it is desirable to grant the said municipality the power to change the said debentures as above mentioned and to borrow two thousand eight hundred and forty dollars, the amount required to produce the said sum of one thousand five hundred dollars, without the necessity of submitting any by-law or by-laws to the ratepayers of the said municipality:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Slocan City Debenture Act, Short title. 1907."

2. Notwithstanding anything contained in said By-law No. 17, or in the said debentures, or in the "Municipal Clauses Act," the next payment to be made in respect of the said debentures shall be made on the first day of August, 1907, instead of the sixth day of April, 1907, and the amount of such payment shall be six hundred dollars. The municipality shall pay the said company interest on the sum of five thousand six hundred and fifty-eight dollars and forty cents, from the said sixth day of April, 1907, to the first day of August, 1907, at the rate of seven per centum per annum, and the said municipality may, with the consent of the said company, recall and cancel the said debentures and issue new or substituted debentures to bear date the first day of August, 1907, and for an amount equal to the value on the sixth day of April, 1907, of the debentures to be retired, and for two thousand eight hundred and forty dollars required to produce one thousand five hundred dollars, the amount of the said floating debt. The said debentures shall be issued in such denominations as may be agreed between the said municipality and the said company, payable at the Royal Bank of Canada in Nelson, British Columbia, but not more than six hundred dollars of such debentures shall be payable in any one year, and the total amount to be paid shall be twelve thousand six hundred dollars.

Power granted to substitute new debentures for those issued under By-law 17, and to borrow further sum of \$2,840 without assent of electors.

3. The said substituted debentures shall be signed by the Mayor and Clerk of the said municipality.

Debentures to be signed.

4. The said new and substituted debentures, when so issued, shall be as binding on the said municipality as if issued by the said municipality under the authority to borrow money contained in the "Municipal Clauses Act," and shall be chargeable upon the assets of the municipality in the same manner and to the same extent as if a by-law authorizing the issuance of the said new and substituted

Validate new debentures.

debentures for the sum of twelve thousand six hundred dollars, payable as aforesaid, had been duly passed by the Council, submitted to the ratepayers and approved by them, and during the currency of the said debentures there shall be raised annually, by a special rate on all the rateable real property in the said city, the sum of six hundred dollars for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said new and substituted debentures, all in the same manner and to the same extent as if said By-law No. 17 had been passed in reference to the new and substituted debentures, and been dated the first day of August, 1907, instead of the sixth day of April, 1903.

CHAPTER 37.

An Act to validate By-law No. 23 of the City of Slocan, and to provide for the Conveyance of Property sold under the Provisions of the said By-law.

[25th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Slocan Tax Sale Act, 1907."

Validation of
By-law No. 23.

2. The by-law numbered 23 (being the Amended Slocan Real Estate Tax Sale By-law, 1904) of the Council of the Corporation of the City of Slocan, passed on the sixteenth day of May, A.D. 1904, is hereby declared to have been duly passed, and the same is hereby declared to be absolutely valid and binding on the City of Slocan, according to the terms thereof, and shall not be quashed or set aside or declared to be invalid upon any ground whatever.

Application of
"Municipal Clauses
Act, 1896," and
amending Acts.

3. In respect of the transfer and conveyance of property sold under the provisions of the said by-law numbered 23, but not otherwise, the provisions of the "Municipal Clauses Act, 1896," and amending Acts shall be deemed to still apply to the said Corporation of the City of Slocan as if the same had not been repealed, and notwithstanding the provisions of the "Municipal Clauses Act, 1906."

CHAPTER 38.

An Act to divide South Vancouver Municipality.

[25th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “South Vancouver Division Act, Short title. 1907.”

2. It shall be lawful for the Lieutenant-Governor in Council, by Letters Patent under the Public Seal, to incorporate into a district municipality, from and after the first day of January next following the date of such letters patent, under the name of the “Corporation of Point Grey” (hereinafter called “the Municipality of Point Grey”), all that locality at present forming a portion of the Corporation of the District of South Vancouver (hereinafter called “the present Municipality of South Vancouver”), and being all of such municipality lying west of the line of division described in section 4 hereof.

Corporation of
Point Grey.

3. The letters patent shall provide for the matters mentioned in section 4 of the “Municipal Incorporation Act,” and from its incorporation the said Municipality of Point Grey shall be subject to the provisions of the “Municipal Clauses Act” and amendments, and to the provisions of all other Statutes relating to municipalities.

Letters patent.

4. The line of division between the Municipality of South Vancouver so reduced in area (hereinafter called “the future Municipality of South Vancouver”) and the Municipality of Point Grey shall be a line commencing at the point on the present northerly boundary of the present Municipality of South Vancouver (being also the southern boundary of the City of Vancouver) where it is intersected by the centre line of Bridge Street, in said City of Vancouver, produced southerly; thence southerly on a line running parallel with Ontario Street to the north boundary-line of the District Lot 323; thence westerly along said north boundary to the north-east corner of Lot 323b; thence south along the east boundary of Lot 323b to the north boundary of District Lot 311; thence west along said north boundary of Lot 311 to the north-west corner thereof; thence south along the west boundary of said Lot 311 to the southerly boundary of the present Municipality of South Vancouver.

Division between
Municipality of
South Vancouver
and Point Grey.

5. The limits of the present Municipality of South Vancouver as defined by letters patent shall be reduced by the exclusion from said

Reduction of limits
of Municipality of
South Vancouver.

limits of all that portion of the said present Municipality of South Vancouver lying west of the line of division hereinbefore described, but, save as herein specially provided, the constitution, powers, and charter of said municipality shall, notwithstanding the reduction of its limits, remain the same as heretofore.

PROVISIONS RESPECTING BOTH MUNICIPALITIES.

Liabilities.

Debts so far as
creditors concerned.

6. Notwithstanding anything herein contained, after the division provided for by this Act, each of the said municipalities shall remain subject to the debts and liabilities of the present Municipality of South Vancouver.

GENERAL PROVISIONS.

Disposition of pro-
ceeds of debentures.

7. Any unused portion of the proceeds of the last issue of debentures made by the present Municipality of South Vancouver, and which, by the terms of the by-laws under which such debentures were issued, were to be devoted to improvements in certain specified portions of the said municipality, shall be divided as follows: Each municipality shall have the amount appropriated for work yet to be done within its boundaries, and the unappropriated portion shall be divided between the two municipalities so that the Municipality of Point Grey shall have two-thirds and the future Municipality of South Vancouver shall have one-third thereof.

Uncollected taxes.

8. All taxes uncollected at the date of the incorporation of the Municipality of Point Grey, in either portion of the present Municipality of South Vancouver, shall be payable to the future Municipality of South Vancouver, whose rights and remedies as to the collection and recovery thereof, whether by sale of lands or otherwise, shall be the same in all respects as the rights and remedies therefor of the present Municipality of South Vancouver would have been had this Act not been passed.

Real property.

9. Any real property of the present Municipality of South Vancouver situate within its reduced limits shall belong to the future Municipality of South Vancouver, and any real property belonging to the present Municipality of South Vancouver and situate within the limits of the Municipality of Point Grey shall belong to said last-mentioned municipality.

Debts as between
municipalities.

10. All debts and liabilities owing by the present Municipality of South Vancouver shall be assumed and borne by and between the two municipalities in the following proportions, that is to say: The future Municipality of South Vancouver shall assume and pay one-

third of the said debts and liabilities; the Municipality of Point Grey shall assume and pay two-thirds of the said debts and liabilities; and in the event of either of such municipalities paying due or overdue debts or liabilities aforesaid, exceeding the proportion so assumed by it, and as often as such event shall happen, the amount of such excess shall be a debt owing and payable forthwith by the other of said municipalities to the municipality by whom the excess shall have been paid.

11. It shall be the duty of each municipality to comply with all Sinking funds. the provisions of any by-law of the present Municipality of South Vancouver creating a debt or authorizing the issue of debentures, so far as the said by-law provides for the creation of a sinking fund and the payment of interest on such debt, and to levy and collect upon and from the rateable property of the municipality an amount of the said sinking fund and interest in proportion to the amount of the debt assumed by each of them respectively; and in the case of the Municipality of Point Grey, from time to time when and so soon as it shall have collected such amounts, it shall pay the same to the future Municipality of South Vancouver, and all amounts so paid, together with all amounts heretofore paid into any sinking fund created by the present Municipality of South Vancouver, shall be held and invested by such municipality for the purposes for which the sinking fund was created.

12. Out of the taxes and rates collected by the present Municipality of South Vancouver from the date of the passing of this Act, after providing for the payment therefrom of the current expenses for the charges for debt and sinking fund and interest and the appropriations for schools, the pro rata balance of the taxes in Ward 5 of the present Municipality of South Vancouver, and of one-fifth of the taxes on all the lands of the Canadian Pacific Railway Company in the present Municipality of South Vancouver, shall be spent in said Ward 5; and if any portion or portions of such pro rata balance shall be unspent or not required to meet payments on account of contracts for work within said Ward 5, the same shall from time to time, as collected, be at once paid over by the future Municipality of South Vancouver to the Municipality of Point Grey, and if unpaid shall become a debt due and owing by the future Municipality of South Vancouver to the Municipality of Point Grey. Appropriation of taxes and rates.

13. The existing rights and interests of the present Municipality of South Vancouver in and to a water record for water in Seymour Creek, and in and to the lands lately acquired jointly by the present Municipality of South Vancouver and the Municipalities of Burnaby and Richmond, at or near said Seymour Creek, for use in connection with their water records, shall be apportioned between the Existing rights, how appropriated.

future Municipality of South Vancouver and the Municipality of Point Grey, as may hereafter be mutually agreed upon by such municipalities.

Application.

14. Section 4 and all subsequent sections of this Act, excepting section 12, shall only take effect from and be applicable as of the date of the incorporation of the Municipality of Point Grey.

CHAPTER 46.

An Act to confer upon the Council of the Corporation of the City of Victoria certain Powers in addition to those conferred by the "Municipal Clauses Act," and to enact Provisions in aid of Municipal Government particularly applicable to the City of Victoria.

[25th April, 1907.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as "An Act relating to the City of Victoria."

Interpretation.

2. In the construction of this Act, section 10 of the "Interpretation Act" of British Columbia and section 2 of the "Municipal Clauses Act," as consolidated in 1906, shall, wherever required or not inconsistent with this Act, apply, and the expressions following, wherever used in this Act, shall have the following meanings respectively, unless the context otherwise requires:—

"The said Act" shall be deemed to refer to and to mean and include the "Municipal Clauses Act," as consolidated by chapter 32 of the Statutes of 1906:

"The City" shall mean the City of Victoria, British Columbia:

"The Mayor" shall mean the Mayor or acting Mayor of the City of Victoria:

"The Council" shall mean the Council of the Corporation of the City of Victoria:

"Owner": The word "owner" may, in any by-law of the Council dealing with sanitation, nuisance removal or building requirements, be defined as any person receiving rents

of the property in respect of which the word is used from the occupier of such property on his own account, or as trustee or agent for any non-resident person, and mortgagees and lessees and a lessee under a lease granted for a term exceeding three years.

3. In addition to the corporate powers vested in the Council under the provisions of the said Act, there is hereby conferred upon the said Council the power to make, alter, and repeal by-laws for any of the following purposes, or in relation to matters coming within the classes of subjects next hereinafter mentioned, that is to say:—

- (1.) For compelling the deposit, before the commencement of the erection of any building, with an official, of floor, sectional, ground, and elevation drawings and plans: Buildings.
- (2.) For prohibiting and preventing the commencement of building operations, or of repairs, before the deposit of elevation, floor, sectional, and ground plans of the work proposed, or before the issue of a permit, with power to refuse such permit where the proposed building work does not accord with the building or other municipal by-laws or regulations for the time being in force: Permits.
- (3.) For licensing and regulating motor-cars, hacks, cabs, and every vehicle plying for hire, and the chauffeurs or drivers thereof, and to impose, as a condition of such licence, that the said chauffeurs or drivers will adhere to a scale of charges applicable to all such chauffeurs or drivers plying for hire to places within and to a distance of not exceeding six miles without the city; and to establish such scale of charges for the use of such motor-cars, hacks, cabs, and vehicles; and for authorizing and assigning stands for motor-cars, hacks, cabs, and vehicles plying for hire on the public streets or in public places; and every chauffeur or driver when upon a stand shall be deemed to be plying for hire. Wharves, depots, yards, or enclosures used for the arrival or departure of the travelling public, or for transportation, whether on private or public property, shall be deemed public places and stands within the meaning of this subsection: Regulation of vehicles and hire thereof.
Scale of charges.
Public places.
- (4.) To enable the boulevarding and planting of streets to be done as a work of local improvement, and to assess for the annual upkeep: Power to boulevard.
etc.
- (5.) To join with other municipalities in all necessary arrangements and works for the joint supply of water for all purposes, drainage or sewerage works and connections: Power to provide for joint water-supply, etc.
- (6.) For compelling owners to connect inhabited dwellings with the city sewers and imposing penalties for neglect, and for providing that such penalties shall be in addition to and Power to impose penalty for non-connection with sewer.

Survey of 4th
October, 1893, to
be official map of
Victoria West.

Arbitrator to be
appointed.

" Arbitration Act "
to govern arbitrator.

Powers of
arbitration.

Power to assess.

not in substitution for all other the remedies against the person and against the real property given by the said Act:

- (7.) The survey made by William Ralph, P.L.S., on the fourth October, 1893, and filed in the Land Registry Office at Victoria by the City Engineer of the City of Victoria pursuant to section 11 of the " Victoria Official Map Act Amendment Act, 1893 " (chapter 66 of 1893), shall be deemed an official map of that portion of the city known as Victoria West, shown thereon; and all and every the provisions of sections 13, 14, 15, and 21 of said chapter 66 of 1893 shall apply to such map and be binding on all persons affected thereby. The Judge of the County Court of Victoria shall, on the application ex parte of the Council, appoint some one British Columbia land surveyor resident in the city as sole arbitrator between the Corporation and all persons affected, and such sole arbitrator shall have and exercise all the powers conferred by the said chapter 66 upon the Board of Arbitrators as if specially named as sole arbitrator in said Act; and the " Arbitration Act " shall govern the rights, powers, and duties of such sole arbitrator, and the practice and conduct of the same, and the award, and all general proceedings relating thereto, and section 22 of said chapter 66 shall not apply:
- (8.) The arbitrator to be appointed pursuant to this section shall have power to correct and adjust any discrepancy between the occupation and ownership of lands included within the said official map, and to adjust the rights of holders of lots adjoining each other shown on the said official plan, and to hear and adjudicate the complaint of any party interested or appearing before him, and to make all necessary orders and to fix the amount of compensation which any party interested or appearing before him may be entitled to by reason of the correction and adjusting of such discrepancy between the occupation of the land and the ownership as shown by said official plan, and may direct by whom such compensation shall be paid. The compensation so fixed, and any costs, fees, or other expenses awarded by him, and which he is empowered hereby to award, shall be a debt payable by the party directed to make such compensation. And the said arbitrator may make a separate award in respect of any complaint made before him by any party interested:
- (9.) It shall be lawful for the Council to raise, by special assessment upon the whole lands and improvements or real property included in the official map, the moneys required to pay any compensation directed to be paid by the Corporation under the next preceding section, and all costs,

fees, or other expenses to which the Corporation shall be put and have to pay in and about the said arbitration proceedings, or incidental thereto; and for the purpose of making the assessment, the adjustment of the said official plan and the matters and things authorized and directed by the next preceding section shall be deemed a work of local improvement, and the provisions of section 256 and subsections, so far as the same are applicable, shall regulate all matters, proceedings, and things, and the powers of the Council, in carrying out the provisions of the said next preceding section; and the city may contribute not exceeding two-thirds of the total cost. The requirements of a two-thirds vote of the Council, or of a petition under section 69 of said Act, or the assent of the electors, shall not be necessary, and subsections (22) and (23) of said section 246 of said Act shall not apply:

S. 256 and subsections to govern.

Subsecs. (22) and (23), s. 256, not to apply.

- (10.) The Council of the City of Victoria may, by resolution by Public Parks Board. a two-thirds vote, organize a Public Parks Board, to consist of not exceeding seven persons, and shall appoint thereon the Mayor, the chairman of the Finance Committee, and the chairman of the Streets, Bridges, and Sewers Committee, and the remainder from the resident real-estate owners of the city:

The Council shall, by by-law, confirm and give effect to such resolution, and shall fix the tenure of office, not exceeding three years, the rotation for retirement, and for filling vacancies and the mode of the conduct of the business of the Board, and may by by-law delegate to such Public Parks Board all and every, or any one or more, of the powers and duties by the "Public Parks Act" or this Act or any amending or substituted Act conferred upon the Council with regard to maintenance, management, expenditure, improving, and upkeep of parks, avenues, boulevards, public places or squares, public gardens, public recreation buildings or grounds, and including thereon the power and authority to pass by-laws conferred upon Municipal Councils by section 293 of the said Act, or any amending or substituted Act in relation to any such delegated power, but so that every by-law of the said Public Parks Board which involves the expenditure of any sum beyond the sum annually appropriated by the Council for park and boulevarding purposes shall, before the final passing thereof, receive the assent of the Council by resolution to be passed by a two-thirds vote:

Only such of the public places of the city as may be designated by by-law shall be placed under the control of the Public Parks Board.

Bentlnck Arm and Quesnel Railway Company.....	25th April, 1907.
Securities Corporation of British Columbia.....	25th April, 1907.
Cariboo Gold Mining Company.....	25th April, 1907.
Cariboo and Pacific Mining, Smelting, and Develop- ment Company.....	25th April, 1907.
East Kootenay Logging Railway Company.....	25th April, 1907.
Howe Sound, Pemberton Valley, and Northern Rail- way Company.....	25th April, 1907.
Imperial Underwriters' Corporation.....	25th April, 1907.
Okanagan Telephone Company.....	25th April, 1907.
Portland Canal Railway Company.....	25th April, 1907.
Queen Charlotte Islands Railway Company (Amend- ment)	25th April, 1907.
Rainy Hollow Railway Company.....	25th April, 1907.
Slough Creek Company.....	25th April, 1907.
Tsimpsean Light and Power Company.....	25th April, 1907.
Vancouver Incorporation (Amendment) (Consoli- dated)	25th April, 1907.
Vancouver Stock Exchange.....	25th April, 1907.

A.D. 1908.

Canada Zinc Company Loan.....7th March, 1908.

CHAPTER 16.

An Act to amend the "False Creek Foreshore Act,
1904."

[7th March, 1908.]

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of British Columbia,
enacts as follows:—

Amends s. 13.

1. Section 13 of the "False Creek Foreshore Act, 1904," as
amended by the "False Creek Foreshore Act, 1904, Amendment Act,
1906," is hereby repealed, and the following substituted therefor:—

Plan to be approved
and by-law
assented to.

"13. The plan hereinbefore referred to shall be adopted and
approved of by the Lieutenant-Governor in Council before the first
day of January, 1908, and the by-law assented to by the electors

as hereinbefore provided, and the expropriation proceedings commenced on or before the first day of February, 1909, and continued with expedition till completed."

2. This Act may be cited as the "False Creek Foreshore Act, 1904, Short title. Amendment Act, 1908."

CHAPTER 19.

An Act respecting the Grand Trunk Pacific Railway.

[7th March, 1908.]

WHEREAS representations have been made to the Government, Preamble.
on behalf of the Grand Trunk Pacific Railway Company, that the lands embraced in the Agreement which is the Schedule to this Act, together with the lands embraced in the Crown grant to the said Company, dated tenth March, 1905, are necessary for the terminal arrangements of the Company, and it has been made to appear to the Government that the work of construction of the said railway through the Province cannot be proceeded with until such terminal arrangements have been concluded and the lands necessary therefor secured by the Company:

And whereas the said Company has procured, through the Dominion Government, from the Metlakatla Band of Indians, a surrender of all the Indian title in the lands embraced in the said Agreement, together with a grant from the Dominion Government of all its title therein, and is willing to acquire the Provincial interest upon the terms set forth in said Agreement:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Agreement, a copy of which forms the Schedule to this Act, Ratification of Agreement.
is hereby ratified and confirmed and declared to be legally binding upon His Majesty, the Grand Trunk Pacific Railway Company, and the Grand Trunk Pacific Town and Development Company, Limited, and His Majesty and the said Companies are hereby authorized and empowered to do whatever is necessary in order to give full effect to the Agreement, the provisions of which are to be taken as if they had been expressly enacted hereby and formed an integral part of this Act.

2. As soon as the plan of the townsite referred to in said Mining Acts not to apply to townsite.
Agreement has been approved as provided by said Agreement, the provisions of the "Mineral Act," the "Placer-mining Act," and the "Coal-mines Act," and of all amendments to said Acts, shall cease to apply to the lands embraced in said townsite.

Sale or lease of
lands belonging
to Crown.

3. Notwithstanding anything contained in the "Land Act," it shall be lawful for the Lieutenant-Governor in Council to sell or lease, in any way he may deem most conducive to the interests of the Province, the lots or blocks, or any portion of the lots or blocks, that will fall to the Crown under the provisions of said Agreement.

Ratification of
Crown grant of
10th March, 1905.

4. The Crown grant to the Grand Trunk Pacific Railway Company of the tenth March, 1905, subject to the changes made in the conditions thereof by the Agreement set out in the Schedule hereto, is hereby ratified and confirmed.

SCHEDULE.

THIS INDENTURE OF AGREEMENT, made this twenty-ninth day of February, A.D. 1908,

Between,

HIS MAJESTY THE KING in the right of his Province of British Columbia, herein represented and acting by the Honourable Frederick John Fulton, Chief Commissioner of Lands and Works of the said Province (hereinafter referred to as "the Province"), of the first part;

THE GRAND TRUNK PACIFIC RAILWAY COMPANY (hereinafter called "the Railway Company") of the second part:

and

THE GRAND TRUNK PACIFIC TOWN AND DEVELOPMENT COMPANY, LIMITED, a company incorporated for the purpose of acquiring, holding, and managing certain lands along the line of the Railway Company (hereinafter called "the Townsite Company"), of the third part.

Whereas negotiations have been proceeding between the Province and the Railway Company respecting the early commencement and completion of construction of the Grand Trunk Pacific Railway from its western terminus at Prince Rupert to the eastern boundary of the Province, the acquisition by the Railway Company of all the right, title, and interest of the Province in that portion of the Metlakatla Indian Reserve hereinafter particularly described, the grant to the Railway Company of a right-of-way for its railway through the Province, the exemption of said railway from taxation and other matters:

And whereas such negotiations have resulted in the following Agreement between the parties:—

1. The Province, for the consideration hereinafter mentioned, agrees to sell and dispose of all its right, title, and interest in and to that portion of the Metlakatla Indian Reserve more particularly described as follows:—

All those parcels or tracts of land situate, lying, and being in the southern part of the Tsimpsean Indian Reserve Number Two, in the Coast District, in the Province of British Columbia, in the Dominion of Canada, composed of a portion of Digby Island; all that portion of Kalen Island lying within the limits of the said reserve, and a portion of the mainland north of the said Kalen Island, together with Lakanian and Lakwilgiapsh Islands and eight small islands adjacent to Digby Island and to the said Mainland. The said islands comprising all the islands adjacent to the above-mentioned land which pertain to the said Indian reserve, and which may be described as follows:—

Firstly: Commencing at the point on the Mainland where the east boundary of the said reserve strikes the water's edge of the channel between the said

Mainland and Kaien Island; thence north along the said boundary eleven thousand four hundred and eighty-two feet to the north boundary of a lot numbered 443; thence S. 89° 40' 30" W. along the said north boundary of Lot 443 produced westerly, fifteen thousand five hundred and thirty feet, more or less, to a line drawn north astronomically from low-water mark at the extreme westerly point of Lakanian Island; thence south along the said line twelve thousand and four hundred feet, more or less, to the water's edge of the channel between the Mainland and Digby Island; thence easterly following the sinuosities of the shore to the point of commencement; containing, approximately, four thousand five hundred and ninety-two acres of land, be the same more or less.

Secondly: Commencing at the water's edge on the north-easterly shore of Digby Island where a line drawn south astronomically from the aforesaid low-water mark at the extreme westerly point of Lakanian Island strikes the same; thence south on the said line fifteen hundred and sixty-five feet, more or less, to a line drawn east astronomically from high-water mark at the head of the large bay at the north-easterly end of the said Digby Island, known as Sh-keauk Bay; thence west astronomically on the said line nineteen hundred feet, more or less, to the said bay, and again west astronomically on the said line produced eight thousand eight hundred feet, more or less, to where the said line first strikes the west shore of Digby Island; thence south-easterly, northerly, westerly, south-easterly, and north-westerly following the sinuosities of the shore of the said Digby Island to the point of commencement, and containing six thousand eight hundred and forty acres of land, be the same more or less.

Thirdly: Commencing at the point on the north-westerly shore of Kaien Island where the east boundary of the said Indian reserve strikes the water's edge; thence south along the said boundary twenty-eight thousand four hundred and forty-six feet, more or less, to the water's edge at the south-westerly shore of the said Kaien Island; thence north-westerly and north-easterly following the sinuosities of the shore to the point of commencement; containing two thousand six hundred and eighty acres of land, be the same more or less.

Fourthly: Ten islands, described approximately as follows: Lakanian Island, above mentioned, lying between Digby Island and the Mainland, containing nineteen acres, be the same more or less; Lakwilgiapsh Island, situated south of Lakanian Island and distant about four hundred and sixty feet therefrom, containing nine acres, be the same more or less; Island Number One, adjacent to the shore of the portion of land firstly described above, containing two acres, be the same more or less; Island Number Two, situated east of Lakanian Island and distant about one thousand feet therefrom, containing one acre, be the same more or less; Islands Numbers Three and Four, adjacent to the easterly shore of Digby Island, containing, respectively, one acre and one acre and seventy-five hundredths of an acre, be the same more or less; Island Number Five, adjacent to the eastern shore of the peninsula at the south end of Digby Island, containing one-half an acre, be the same more or less; and, finally, Islands Numbers Six, Seven, and Eight, adjacent to the south-westerly shore of Digby Island, containing, respectively, one acre and seventy-five hundredths of an acre, two acres and half an acre, and one acre and half an acre, be the same more or less, together with all rights to the foreshores and rights of access to the water which may pertain to the lands above described.

The conveyance from the Province to the Townsite Company of the above lands, hereinafter in several places referred to as the lands embraced in this Agreement, shall include (when the lands so described abut upon or form the shore of any tidal waters or the bank of any river, lake, or stream) all the foreshore and riparian rights which the Province may have in the said lands, including the lands below as well as above low-water mark.

2. The Townsite Company hereby agrees to pay to the Province for the conveyance to it of all the right, title, and interest of the Province in and to said lands the sum of two dollars and fifty cents (\$2.50) per acre, to be paid from time to time as Crown grants are received by the Townsite Company, and to reconvey to the Province one-fourth of all lots and blocks into which the said lands shall be subdivided as hereinafter provided, after deducting land required for lanes, streets, squares, parks, and such lands as the Lieutenant-Governor in Council decides are necessary for railway purposes, together with the foreshore and riparian rights in and appurtenant to said lots and blocks, including land below as well as above low-water mark; the selection of said lots and blocks to be reconveyed to be made as follows, viz.: The Chief Commissioner of Lands and Works or the Chief Commissioner of Lands shall first select one lot or block, according as whether lots or blocks are being dealt with, and the Townsite Company shall select three lots or blocks, and so on in turn, the Chief Commissioner selecting one and the Townsite Company three of the unchosen lots or blocks until the division is made.

3. The Townsite Company agrees to lay out at Prince Rupert a townsite having an area of not less than two thousand acres. The said townsite shall consist of lands embraced in this Agreement, in the Crown grant of the tenth March, 1905, to the Railway Company, or of lands embraced as to part in this Agreement, and as to the remainder in said Crown grant. The survey and subdivision of said townsite shall be shown on a plan to be hereafter prepared, subject to the joint approval of the parties hereto, and when prepared and so approved to be annexed to and incorporated with this Agreement and form an integral part thereof. Said survey and subdivision shall be completed on or before the thirtieth day of September, A.D. 1908, and the plan thereof shall show the location of the stations and workshops of the Railway Company at said terminal, and shall also show all the lands embraced in this Agreement in said townsite, fronting on the sea or other waterway, divided into blocks having a frontage on the sea or other waterway of not less than one thousand feet, and a depth of not less than one hundred and fifty feet from high-water mark. The water ends of all streets in said subdivision running to the sea shall at all times be open so as to afford the public free and unimpeded access to the sea.

The cost of such survey and subdivision, and of all work incident thereto, shall be borne as to three-fourths thereof by the Townsite Company, and as to one-fourth thereof by the Province.

The Chief Commissioner of Lands and Works or the Chief Commissioner of Lands and the Railway Company shall jointly arrange for all surveys mentioned in this Agreement. One surveyor shall be nominated by the Chief Commissioner of Lands and Works or the Chief Commissioner of Lands, and his salary shall be paid by the Railway Company as part of the cost of said surveys. All vouchers for the cost of all surveys shall be approved by the Chief Commissioner of Lands and Works or the Chief Commissioner of Lands.

Crown grants for any portion of said townsite located on lands embraced in this Agreement shall issue as soon as the survey and subdivision of said townsite and the plan thereof have been approved as aforesaid, and by concurrent conveyance the Townsite Company shall reconvey to the Province the portions of said land falling to it.

Should the said townsite be located in whole or in part on land embraced in said Crown grant of the tenth March, 1905, the blocks and lots into which such land has been subdivided, together with the foreshore and riparian rights of and appurtenant to said blocks and lots, including land below as well as above low-water mark, falling to the Province under the provisions of said Crown grant, shall be conveyed to the Province on or before the first day of December, A.D. 1908.

4. Of the remaining lands embraced in this Agreement, those fronting on the sea or other waterway shall be surveyed into blocks having a frontage of not less than one thousand feet, and a depth from high-water mark of at least one hundred and fifty feet, and the balance of the lands embraced in this Agreement, and not included in the townsite, shall be surveyed into areas of not more than forty-acre blocks. The said survey, in manner approved by the Chief Commissioner of Lands and Works or the Chief Commissioner of Lands, shall be completed on or before the first day of October, A.D. 1909. Crown grants for the lands referred to in this clause shall issue from time to time as soon as surveys thereof have been completed by the Townsite Company, the cost of such surveys to be borne as to three-fourths thereof by the Townsite Company, and as to one-fourth thereof by the Province. Concurrently with the issue of such Crown grants to the Townsite Company, the latter shall reconvey to the Province the portions of land falling to it under the provisions of clause 2 hereof: Provided, however, that such reconveyance shall be in full of all the interest of the Province in the lands embraced in this Agreement, and the Province shall be entitled to no further conveyance from the Townsite Company, under section 32 of the "Land Act," in the event of the blocks retained by the Townsite Company being at any time hereafter divided into town lots.

5. The lands embraced in said Crown grant of the tenth March, 1905, not included in said townsite, fronting on the sea or other waterway, shall be surveyed and divided into blocks having a frontage on the sea or other waterway of not less than one thousand feet, and a depth of not less than one hundred and fifty feet from high-water mark, and the remainder of the lands embraced in said Crown grant and not included in the said townsite, and said water blocks, shall be surveyed and divided into areas of not more than forty-acre blocks. The surveys and subdivisions of the lands dealt with in this clause, which shall be at the cost of the Townsite Company and the Province, according to their respective interests, shall be completed on or before the first day of October, A.D. 1909, and conveyances to the Province of its share thereof, as provided by said Crown grant, shall be delivered to the Province on or before the first day of December, A.D. 1909: Provided, however, that such reconveyances shall be in full of all the interest of the Province in the lands embraced in said Crown grant, and the Province shall be entitled to no further conveyance from the Townsite Company, under section 32 of the "Land Act," in the event of the blocks retained by the Company being at any time hereafter divided into town lots.

6. The Crown grants to the Townsite Company of lands embraced in this Agreement shall, save as varied by this Agreement, contain all in the provisoes that appear in the said Crown grant of the tenth day of March, 1905, with this exception; to wit, that the Crown grants to the Townsite Company of lands situate in said townsite shall not contain proviso number 2 relating to minerals.

7. The provisions of section 68 of the "Land Registry Act," and of section 17 of chapter 24 of the Statutes of 1906, being "An Act to amend the 'Land Act,'" shall not apply to the said Crown grant of the tenth March, 1905, or to the Crown grants to be issued pursuant to this Agreement.

8. The Province agrees to convey to the Railway Company by a free grant a right-of-way not exceeding one hundred feet in width for said railway, so far as the same extends or shall extend through Crown lands in the Province of British Columbia, but the foregoing provisions shall not apply to lands dealt with by this Agreement or by the Crown grant to the Company bearing date the tenth day of March, A.D. 1905, through which two last-mentioned classes of land the Province shall grant a right-of-way when the location of such right-of-way has been approved by the Lieutenant-Governor in Council, not exceeding sixty feet in width.

9. The Province agrees by free grant to convey to the Railway Company such vacant Crown lands as may be necessary for sidings, stations, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto. The Crown lands mentioned in this clause shall be limited to such quantity as the Lieutenant-Governor in Council may consider reasonable and necessary for the purposes of the Railway Company.

10. The Railway Company, with the consent of the Chief Commissioner of Lands and Works or the Chief Commissioner of Lands, may take from any public lands adjacent to or near the line of the said railway, its branches or extensions, all stone, timber, gravel, and other material which may be necessary for the construction of the railway in and through the Province and not elsewhere, and may also fill in upon any public lands.

11. The Province grants to the Railway Company exemption from the assessment and tax imposed by section 6 of the "Railway Assessment Act, 1907," for the period of ten (10) years from and after the completion of the railway in the Province to the satisfaction of the Minister of Public Works, but said exemption shall not extend beyond the thirty-first day of December, A.D. 1921.

12. The Railway Company hereby agrees not to expropriate any of the water-front lands embraced in this Agreement or said Crown grant on the tenth of March, 1905, which now are or hereafter may become the property of the Province, so long as said water-front lands remain vested in the Crown.

13. The Railway Company agrees to commence construction within the Province, from its Pacific terminus at Prince Rupert easterly, on or before the first day of June, A.D. 1908, and thereafter continuously and with reasonable expedition to prosecute the work of construction in the Province to the eastern boundary of the Province.

14. The Railway Company agrees to purchase all material and supplies required for the construction of its railway through the Province of British Columbia from manufacturers, merchants, and dealers within the Province, when such material and supplies can be purchased in desirable quantities and of equal quality, suitable for the purposes for which they are required, and upon terms equally favourable as those procurable elsewhere.

15. The workmen, labourers, and servants employed in or about the construction of the said railway shall be paid such rates of wages as may be currently payable to workmen, labourers, or servants engaged in similar occupations in the district in which said railway is constructed.

In witness whereof this Agreement has been duly executed by the parties.

Signed, sealed, and delivered in the presence of—

W. J. BOWSER,
Attorney-General

FREDK. J. FULTON, [SEAL]
*Chief Commissioner of
Lands and Works.*

THE GRAND TRUNK PACIFIC RAILWAY COMPANY.

By FRANK W. MORSE,
Vice-President and General Manager;

[SEAL.]

HENRY PHILLIPS,
Secretary.

THE GRAND PACIFIC TOWN AND DEVELOPMENT
COMPANY, LTD.

By FRANK W. MORSE,
Vice-President;

[SEAL.]

HENRY PHILLIPS,
Secretary.

D'ARCY TATE.

Assistant Solicitor, Grand Trunk Pacific Railway Company.

CHAPTER 20.

An Act regarding a Certificate issued to the Greenwood City Waterworks Company under the Provisions of the "Water Clauses Consolidation Act, 1897."

[11th February, 1908.]

WHEREAS the Greenwood City Waterworks Company was incorporated by the "Greenwood City Waterworks Company Incorporation Act, 1897," being chapter 57 of the Statutes of 1897: Preamble.

And whereas the said Company subsequently having complied fully with the provisions of section 85, and all other sections applicable thereto, of the "Water Clauses Consolidation Act, 1897," applied to the Lieutenant-Governor in Council for approval of its undertaking as submitted, and for a certificate pursuant to section 87 of the said last-mentioned Act in respect of its works to be presently undertaken:

And whereas, pursuant to said application, upon due inquiry, the undertaking was approved and a certificate was, on the sixteenth day of May, 1906, issued to said Company, which purported to be issued in accordance with said section 87, but which, by inadvertence, omitted to fix the amount of capital to be subscribed, and was otherwise defective:

And whereas, prior to the commencement of the works of said Company, capital of said Company to the amount of forty thousand dollars had been in fact subscribed, and subscription of capital to that amount was sufficient to answer the purposes of the said Act, and the works approved as aforesaid were completed before the expiry of the time limited by the said certificate:

And whereas it is expedient to remove any doubts as to the effect of error in such certificate or failure to obtain a proper certificate before commencement of the Company's works:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Notwithstanding anything contained in the "Greenwood City Waterworks Company Incorporation Act, 1897," or in the "Water Clauses Consolidation Act, 1897," or amendments thereto, and notwithstanding anything contained in or any defect in or omission from the said certificate of sixteenth May, 1906, the said certificate is hereby declared to be and to have been always of the same force and effect as if it had fixed the capital required to be subscribed before the commencement of the Company's works at the sum of forty thousand dollars, and had been duly issued before the com-

Validation of
certificate of 16th
May, 1906.

mencement of any of the Company's works, and had otherwise conformed in all respects to the requirements of said section 87; and it is further declared that the works and undertaking of the Company, approved as aforesaid and completed before the expiry of the time limited by said certificate, were lawfully begun, constructed, and undertaken in the due exercise of the Company's powers under the said Acts.

Operation of this Act.

2. Nothing herein contained shall be deemed to limit, lessen, or take away from any of the franchises, powers, rights, or remedies of the Company as conferred by the said Act, or either of them or otherwise.

CHAPTER 21.

An Act to amend "An Act regarding a Certificate issued to the Greenwood City Waterworks Company under the Provisions of the 'Water Clauses Consolidation Act, 1897.'"

[7th March, 1908.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Amends s. 1.

1. Section 1 of "An Act regarding a Certificate issued to the Greenwood City Waterworks Company under the Provisions of the 'Water Clauses Consolidation Act, 1897,' passed during the present session of this Legislature, is hereby amended by inserting after the word "were," in the fourteenth line of said section, the following words: "so far as omissions of anything required by said section 87 to be in said certificate are concerned."

CHAPTER 37.

An Act to enable the City of Nelson to borrow Eighty-five thousand Dollars for Electric Light and Power Purposes.

[7th March, 1908.]

WHEREAS the City of Nelson is desirous (with the consent of Preamble. the electors entitled to vote on money by-laws) of passing a by-law or by-laws for borrowing an amount not to exceed eighty-five thousand dollars (\$85,000) for increasing the capacity of its electric light and power plant:

And whereas the borrowing of such amount of eighty-five thousand dollars would, with debts already contracted by the City of Nelson, exceed in the aggregate twenty per cent. of the assessed value of the lands and improvements within the City of Nelson according to the last revised assessment roll:

And whereas the said City of Nelson is desirous of passing a by-law or by-laws to borrow such amount not to exceed the said sum of eighty-five thousand dollars, notwithstanding the restrictions contained in section 68 of the "Municipal Clauses Act" as amended, whereby the aggregate of debts contracted by a municipality under by-law shall not exceed twenty per cent. of the assessed value of the lands and improvements according to the last revised assessment roll:

And whereas it is expedient to grant the request of the said City of Nelson:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Municipal Council of the City of Nelson may, notwithstanding the restrictions contained in section 68 of the "Municipal Clauses Act" as amended, whereby the aggregate amount of debts contracted by a municipality shall not, except for works of local improvement and for school purposes, exceed twenty per cent. of the assessed value of the lands and improvements according to the last revised assessment roll of the municipality, pass a by-law or by-laws to borrow an amount not to exceed eighty-five thousand dollars (\$85,000) for the purpose of increasing the capacity of the electric light and power plant owned by the said City of Nelson: Provided that before any by-law passed by the Municipal Council of the City of Nelson under this Act shall come into force and effect, it shall have received the assent of the statutory majority of the

Notwithstanding restrictions contained in s. 68 of "Municipal Clauses Act," City of Nelson may borrow \$85,000.

electors of the City of Nelson who are entitled to vote on money by-laws in accordance with the provisions of the "Municipal Clauses Act."

Short title.

2. This Act may be cited as "An Act to enable the City of Nelson to borrow Eighty-five thousand Dollars."

Commencement.

3. This Act shall come into force upon proclamation by the Lieutenant-Governor in Council.

CHAPTER 38.

An Act granting to the Corporation of the City of New Westminster certain Lands in said City for Park Purposes.

[7th March, 1908.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "New Westminster Parks Act, 1908."

Grant of lands for park purposes.

2. There is hereby granted to the Corporation of the City of New Westminster, and its successors for ever, the lands set out in the Schedule to this Act, upon trust, to maintain and use Queen's Park, Moody Square, and that part of Tipperary Square lying between Third and Fourth Streets, for the recreation and enjoyment of the public as public parks; upon trust, to use the remainder of Tipperary Square for school purposes, and until so used, and as to any part not so used, to maintain and use it for the recreation and enjoyment of the public as a public park; and upon the further trust as to Queen's Park, to permit it to be used during one month in each year by the Royal Agricultural and Horticultural Society for the purpose of holding agricultural and horticultural exhibitions when so required by said Society.

SCHEDULE.

QUEEN'S PARK.

Commencing at the point where the easterly side of Granville Street intersects the northerly side of Royal Avenue; thence proceeding in a north-westerly direction along the easterly side of Granville Street to its intersection with the northerly side of Vancouver Street; thence proceeding in a south-westerly direction along the north side of Vancouver Street to its intersection with the easterly side of First Street; thence proceeding in a north-westerly direction along the easterly side of First Street to its intersection with the southerly side of Sixth Avenue; thence proceeding in a north-easterly direction along the southerly side of Sixth Avenue to its intersection with the westerly side of the "Boulevard"; thence proceeding in a south-easterly direction along the westerly side of the "Boulevard" to its intersection with the northerly side of Royal Avenue; thence proceeding in a south-westerly direction along the northerly side of Royal Avenue to the point of commencement.

MOODY SQUARE PARK.

Commencing at a point where the northerly side of Sixth Avenue intersects the easterly side of Tenth Street; thence proceeding in a north-westerly direction to the point where the easterly side of Tenth Street intersects the southerly side of Eighth Avenue; thence proceeding in a north-easterly direction to the point where the westerly side of Eighth Street intersects the southerly side of Eighth Avenue; thence proceeding in a south-easterly direction to the point where the westerly side of Eighth Street intersects the northerly side of Sixth Avenue; thence proceeding in a south-westerly direction along the northerly side of Sixth Avenue to the point of commencement.

TIPPERARY SQUARE.

Commencing at the point where the easterly side of Sixth Street intersects the northerly side of Royal Avenue; thence proceeding north-westerly along the easterly side of Sixth Street to its intersection with the southerly side of Queen's Avenue; thence proceeding north-easterly to the point where the southerly side of Queen's Avenue intersects the westerly side of Third Street; thence south-easterly to the point where the westerly side of Third Street intersects the northerly side of Royal Avenue; thence proceeding in a south-westerly direction along the northerly side of Royal Avenue to the point of commencement.

But excluding from the above-described block, firstly, that portion of Fourth Street which lies between the northerly side of Royal Avenue and the southerly side of Queen's Avenue; and, secondly, that portion of the block described as follows, viz.: Commencing at the point where the southerly side of Queen's Avenue intersects the easterly side of Sixth Street; thence proceeding north-easterly along the southerly side of Queen's Avenue for a distance of two hundred and fifty feet; thence turning at an angle of ninety degrees, more or less, to the right, and proceeding parallel to Sixth Street in a south-easterly direction for one hundred and fifty feet; thence turning at an angle of ninety degrees, more or less, to the right, and proceeding in a south-westerly direction parallel to Queen's Avenue for two hundred and fifty feet; thence turning at an angle of ninety degrees, more or less, and proceeding along the easterly side of Sixth Street for one hundred and fifty feet to the point of commencement.

CHAPTER 54.

An Act to authorize a Grant to the Corporation of the City of Victoria of certain Crown Lands situate in Rock Bay, Victoria Harbour.

[7th March, 1908.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Lieut.-Governor in Council authorized to grant portion of foreshore of Rock Bay, Victoria Harbour, to City of Victoria.

1. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Victoria all the estate, right, title, and interest of His Majesty the King, in right of the Province of British Columbia, in the foreshore of the easterly indentation of Rock Bay, in the Harbour of Victoria, and now from time to time covered by the waters of the said easterly indentation of the said bay, and the land at the extreme easterly end of the said easterly indentation of the said bay, and on the shores of the said easterly indentation of the said bay; which said land is known and numbered on a plan on file in the Lands and Works Department, at Victoria, as Lot Number 121, Victoria District, and containing ninety-seven one-hundredths (0.97) of an acre.

CHAPTER 55.

An Act to authorize the Grant of certain Lands to the Corporation of the City of Victoria.

[11th February, 1908.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Lieut.-Governor in Council authorized to grant "Old Cemetery" to City of Victoria.

1. It shall be lawful for the Lieutenant-Governor in Council to grant, upon such conditions and trusts as he shall think fit, to the Corporation of the City of Victoria, for park purposes, all the estate, right, title, and interest of His Majesty the King, in the right of the Province of British Columbia, in and to that certain piece or parcel of land situate at the south-east corner of Quadra and Meares Streets, in the City of Victoria, which is marked "Cemetery" on the official map of the City of Victoria, and is now generally known as the "Old Cemetery."

CHAPTER 57.

An Act to incorporate the City of Chilliwack.

[11th February, 1908.]

WHEREAS a petition has been presented by the inhabitants of the tract of land in this Act hereinafter described, a portion and forming part of the Municipality of the Township of Chilliwack, praying that they may be incorporated as a city municipality under the name of "The City of Chilliwack"; and the said inhabitants are desirous of securing incorporation without complying with certain of the provisions of the "Municipalities Incorporation Act" and amending Acts, and it is expedient to permit a departure from the general statutory conditions:

Preamble.

And whereas it is expedient to grant the prayer of the petitioners:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Chilliwack City Incorporation Act."

Short title.

2. It shall be lawful for the Lieutenant-Governor in Council forthwith, without requiring the inhabitants of the lands proposed to be incorporated to observe the provisions of section 3 of the "Municipalities Incorporation Act" as amended, by Letters Patent under the Public Seal, to incorporate, under the "Municipalities Incorporation Act," into a city the tract of land set out in Schedule B hereto; and such letters patent shall have the same force and effect as letters patent issued under the provisions of and after compliance with all formalities of the said "Municipalities Incorporation Act" as amended, save and except as provided in the following sections of this Act, which shall apply to such municipality.

Incorporation of the City of Chilliwack.

3. Letters patent incorporating the said city shall, in specifying and providing all matters referred to in section 4 of the "Municipalities Incorporation Act," specify and provide for the matters referred to in sections 4 to 31, both inclusive, of this Act and in manner therein set out.

What letters patent to specify.

4. The nomination for a first Council, to consist of a Mayor and five Aldermen, shall be held on the third Saturday after letters patent pursuant to this Act shall be granted by the Lieutenant-Governor in Council, and the election, in case a poll shall be demanded, shall be held on the following Saturday after such nomination, and shall continue for one day only; the Returning Officer to be named in the letters patent.

Nomination for first election.

Returning Officer.

Poll at first election. **5.** The poll to be taken by the Returning Officer shall be open from nine o'clock a.m. to four o'clock p.m. on the day named, and the Returning Officer shall have authority to appoint Deputy Returning Officers, Poll Clerks, and constables, and such officers as he shall deem necessary for taking such poll and for maintaining order at the polling-station.

Place of nomination and poll. **6.** The nomination and poll (if any) shall be held at the Court-house, Chilliwack, B.C.

Notice thereof to be published. **7.** Seven days' notice of the time and place of nomination and of the holding of the poll (if any) shall be given by the said Returning Officer in a newspaper published and circulated in the said city, and, further, for the like period shall be posted upon the entrance-door of the Court-house in the said city.

Duties of Returning Officer. **8.** The Returning Officer shall provide a ballot box or boxes for the necessary ballots for use at the said election, and he shall, as far as possible, conduct said election in all respects in conformity with the provisions of the "Municipal Elections Act."

First meeting of the Council. **9.** The first meeting of the Council so elected shall be held at the Court-house in the said City of Chilliwack on the first Wednesday after such election, commencing at two o'clock p.m.

First statutory meeting in each year. **10.** The Council shall meet on the Friday following the annual election in each year, and thereafter as the Mayor may appoint.

Qualification for Mayor at first election. **11.** The qualification for Mayor of the city at the first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the day of his nomination and his being then a registered owner in the Land Registry Office of real property situated within the city of the assessed value on the last revised municipal assessment roll of the said township of five hundred dollars or more over and above any registered judgment, and being otherwise duly qualified as a voter.

Qualification for Aldermen at first election. **12.** The qualification for Alderman at the said first election shall be his being a male British subject of the full age of twenty-one years, and having been for the three months next preceding the date of his nomination and his being then a registered owner in the Land Registry Office of real property situated within the city of the assessed value on the last revised municipal assessment roll of the said township of two hundred and fifty dollars or more over and above any registered judgment, and being otherwise duly qualified as a voter.

Qualification of voters. **13.** All persons whose names are at the date of incorporation of the city on the voters' list for that part of the township municipality

included in the city, and any male or female being a British subject of the full age of twenty-one years, and being a freeholder, householder, or licence-holder for at least six months previous to such election, and being for a term of not less than six months resident within the said city, shall be entitled to vote at the first municipal election under this Act, but no female shall be qualified to sit or vote as Mayor or Alderman.

14. It shall be the duty of the Returning Officer to enter in a book, Voters' list. in alphabetical order, the names, addresses, and occupations of all persons qualified under section 3 of this Act, and such list shall be the list of electors for such first election.

15. Before the name of any person, other than a freeholder or licence-holder, shall be placed on the said voters' list, he or she shall sign a declaration in writing, before some person authorized to administer oaths, or before the Returning Officer, setting forth his or her name, address, occupation, and qualification under this Act, and shall deliver the same to the Returning Officer; and the said list shall be closed on the day before nomination-day, and shall then be the voters' list of the said city for all purposes until another list is prepared in due course. Declaration by voter other than freeholder or licence-holder.

16. It shall be lawful for the Corporation of the Township of Chilliwhack to enter into and execute the deed of arrangement set out in Schedule A hereto, as to certain public property, rights, interests, and benefits, and apportioning the same, appertaining to the said tract of land; and after the grant of letters patent under this Act it shall be lawful for the city to enter into and execute the said deed and to carry the same into effect, and when executed the said deed shall to all intents and to all purposes be valid and binding upon the parties thereto. Agreement with Township of Chilliwhack.

17. Until the said city is divided into wards, the Mayor and Aldermen shall be elected by those qualified to vote in the whole city. Mode of election until city is divided into wards.

18. The Mayor and Aldermen elected at such first election shall hold office until their successors, or a majority of their successors, have been sworn in, unless he or they shall die, resign, or become disqualified. First Mayor and Aldermen to hold office until successors elected.

19. The Council may, in addition to all its powers, from time to time make, alter, and repeal by-laws— Power to make and repeal by-laws.

(a.) To provide, under certain conditions, for the inclusion of further outlying districts in the city limits:

(b.) To purchase, construct, and operate a telephone or telegraph system or systems:

- (c.) To tax and supervise clubs :
- (d.) To purchase and acquire the waterworks system heretofore belonging to and under the control of the Elk Creek Waterworks Company, according to the terms of agreement entered into between them and the Township of Chilliwack on the fourth day of November, 1905; and to extend the said system to all parts of the city, and to supply water therefrom as vendors to adjoining municipalities (with the consent of the municipalities); to obtain further supplies of water, and in addition to all other powers to purchase lands within or without the city for watershed, reservoirs, right-of-way, and other purposes connected with the water system; to appoint a Board of three Water Commissioners to administer and manage the waterworks system of the city, and to define and regulate the powers and duties and remuneration of said Water Commissioners.

Power to borrow money to pay Township of Chilliwack and incorporation expenses.

20. It shall be lawful for the Council, by a by-law or by-laws to be passed without any petition and without the previous assent of the electors, at any time or times, and in one or more sums at a time, to borrow upon the credit of the city at large, by debentures, a sum of money equal to the proportion of the debt of the said district corporation taken over and assumed by the said city under the agreement in the Schedule to this Act, and also such sum or sums of money necessary to defray the expenses incurred in obtaining this Act and all matters incidental to the incorporation of the said city, at such rate or rates of interest, not greater than seven per cent., as the Council may see fit, and such debentures shall be issued under the formalities contained in the "Municipal Clauses Act," save as herein provided, and may be for a period not exceeding fifty years from their date.

Costs of incorporation.

21. The Council shall, after they go into office, pay out of the ordinary revenue of the city all costs, charges, and expenses incurred in and about the incorporation of the city, including all expenses of preparing and printing the charter and of promoting this Act.

Township of Chilliwack.

22. After the incorporation of the city the remaining area of the present Municipality of the Township of Chilliwack (hereinafter referred to as "the township municipality") shall remain a duly constituted municipality under its present name of the "Corporation of the Township of Chilliwack," under its present letters patent, subject only to the provisions hereinafter contained.

When Reeve and Council of Township of Chilliwack to go out of office.

23. After the issue of the letters patent for the incorporation of the city as hereinbefore provided for, the Reeve and Council of the township as at present constituted shall hold office until new Councils for the city and township municipality have been elected as in this Act provided.

24. In addition to the securities in which, in accordance with the "Municipal Clauses Act," investments of any sinking fund may be made, the Council may invest any such funds in first mortgage on improved property in the city, not exceeding forty per cent. of the assessed value thereof.

Council may invest sinking funds.

25. It shall be lawful for the Council to dispose of sewage by depositing the same at some point outside the limits of the city in such manner as may be found expedient, and from time to time to expropriate, take, and hold such lands, both in and beyond the limits of the said city, as may be considered by the Council to be right and necessary for the purposes aforesaid.

Sewage.

26. All arrears of taxes levied by the Corporation of the Township of Chilliwack on lands heretofore in said township, but included in this Act in the city, shall be vested in the city, and it shall have all the rights, powers, and privileges of the said township corporation as to the collection of the said taxes by the sale of the lands liable therefor or otherwise, and all the rights, powers, and privileges of the township corporation as regards the lands, heretofore in the said township and now included in the city, sold at the tax sales held on the fourteenth day of September, 1907, are hereby vested in the city, and the city shall have the necessary powers to give deeds therefor.

Tax sales.

27. A special meeting of the Board of Licence Commissioners for the city may, if desired, be held, at a time to be fixed by the Mayor, not less than one month nor more than six weeks after the date of such first election, at which meeting all powers which the said Board of Licensing Commissioners could exercise at any of the sittings provided for in subsection (c) of section 182 of the "Municipal Clauses Act" may be had and exercised.

Board of Licence Commissioners.
special meeting of.

28. All licences heretofore issued by the township corporation shall be valid until the expiration of the period named in the same, and upon expiration the reissue shall be regulated by the statutory provisions governing the city.

Licences.

29. All provisions of the "Municipal Clauses Act," the "Municipal Elections Acts," and the "Municipalities Incorporation Act," and amending Acts, shall apply to the said municipality, except when the provisions of said Acts are repugnant to the provisions of this Act.

Application of
"Municipal Clauses
Act." "Municipal
Elections Act." and
"Municipalities In-
corporation Act."

30. The Chilliwack Tram Power and Light By-law, 1906, and the two several agreements, or any modification thereof mutually agreed to, made between the Corporation of the Township of Chilliwack and the Vancouver Power Company, Limited, both dated the first

Ratification of
agreements.

day of March, 1907, and being Schedules A and B to the said Chilliwack Tram Power and Light By-law, 1906, which said by-law duly received the assent of the electors of the Township of Chilliwack for the construction and operation of railways or tramways for the transportation of passengers and freight and telegraph and telephone lines through the said Township of Chilliwack as part of an electric-railway system connecting the City of New Westminster with the Town of Chilliwack, and the authority to operate within the limits of the said Township of Chilliwack all required works for the generation, distribution, and sale of electricity for light, heat, and power, and for industrial and any other purpose, are hereby declared to be valid and binding, and the said by-law and the two several agreements are hereby ratified and confirmed, and are hereby also declared to be of statutory force and effect within the area of the Township of Chilliwack, as the same existed at the time of the passage of the said by-law and the making of the said agreements, and shall be binding upon the City of Chilliwack, provisions for the incorporation of which are made in this Act, and shall be carried into effect by the Council of the City of Chilliwack, and by the Council of the Township of Chilliwack, and by the Council or Councils of any other municipality or municipalities that may hereafter be created from and out of the said area of the Township of Chilliwack, from and out of which area provisions are hereby made for the creation of the said City of Chilliwack.

Renumbering sub-
divisions in city.

31. The Council may from time to time, by by-law, renumber all lots and blocks in the said city in such manner that they may be easily identified, and may in such by-law rescind any former numbering and identification of said lots, and such renumbering shall be good and valid for registration and all other purposes, and any renumbering under such by-law shall take the place of any former numbering or identification for all purposes; and the Council may, if necessary, cause a special survey to be made of said lands and renumbered in such manner as to easily identify all the original lots and blocks therein, whether by name or number, and shall also show a new designation given to such lots and blocks: Provided that a copy of such by-law, duly certified to by the Clerk of said city, together with a map or plan, in duplicate, showing the numbering and renumbering as set out in such by-law, shall be filed in the Land Registry Office for the district in which such lands are situate within thirty days from the passing of such by-law, and such lots and blocks shall thereafter be known and described as being in the City of Chilliwack, notwithstanding any description theretofore given or registered to the contrary: Provided further that such by-law shall not become effective until the same shall have received the approval of the District Registrar of Titles for the District.

SCHEDULE A.

THIS INDENTURE, made and entered into the 28th day of December, 1907,
Between

THE CORPORATION OF THE TOWNSHIP OF CHILLIWHACK (hereinafter referred
to as "the Township Corporation") of the first part;

and

SAMUEL A. CAWLEY, A. LESLIE COOTE, and ROBERT MARSHALL, all of Chilliwack, in the Province of British Columbia, on behalf of themselves and all others the inhabitants of the area (hereinafter described and referred to as "the city area") proposed to be incorporated as the "City of Chilliwack" (hereinafter referred to as "the City"), of the second part.

Whereas the Township Corporation is incorporated as a District Municipality under the laws of the Province relating to such municipalities:

And whereas a petition has been presented to the Legislature of British Columbia to incorporate the inhabitants of the tract of land described in the next following paragraph as a City, by a special Act of incorporation, under the name of the "City of Chilliwack," and to separate the said tract of land from the Township Corporation:

And whereas the said city area, so far as it will be separate from the Township Corporation, is described as follows: Commencing at a point where the westerly boundary of the Skwahla Indian Reserve intersects the southerly bank of Hope Slough; thence south-easterly to the south corner of said Indian reserve; thence north-westerly to a point on the south-easterly boundary of said Indian reserve where the east line of S. Calbick's subplot of Lot 335, Group 2, produced north, intersects the said boundary; thence south on the east line of S. Calbick's sub-lot to the southerly boundary of the Yale Road; thence easterly to the north-east corner of Subdivision "B" of Lot 334, Group 2, New Westminster District; thence south to the south-east corner of said Subdivision "B" of said Lot 334; thence west to a point on the boundary-line between Lots 334 and 333, Group 2, produced on the south boundary of said Subdivision "B"; thence south twenty chains; thence to the eastern boundary of Lot 331, Group 2; thence south to the northern boundary of Lot 341, Group 2; thence west to the Young Road; thence westerly to the south-west corner of the Public School Lot; thence following what is known as the "Kipp" Lane to the Kipp Road; thence following said Kipp Road to the north-west corner of Lot 31A, Group 2; thence east to the south-east corner of Skwah Indian Reserve; thence north and following the eastern boundary of said Indian reserve to the southerly bank of Hope Slough; thence following the southerly bank of said slough to the point of commencement:

And whereas at a public meeting of the ratepayers of the said municipality held on the 10th day of March, 1907, a committee was appointed to consider the incorporation of the proposed City and the division of the assets and liabilities of the Township Municipality between it and the proposed city area, at which said public meeting A. L. Coote, Robert Marshall, W. A. Rose, H. H. Gervan, and S. A. Cawley were appointed a committee to take all necessary steps and to do all necessary works in that behalf:

And whereas on the 28th day of December, 1907, a committee appointed by the Township Municipality met with the above-mentioned members representing the inhabitants of the proposed city area, and it was jointly agreed to enter into this Agreement:

Now, this Indenture witnesseth that, for the consideration herein and in pursuance of the said Agreement, the said Corporation of the Township of Chilliwack doth hereby grant and convey to the parties named in the second part, and their successors, the following properties and assets, namely:—

- (1.) That portion of Lots 28, 29, 30, and 31, Group 2, known as the "Fair Grounds," which may be more particularly described as follows: All and singular that certain parcel or tract of land and premises situate, lying, and being at Centreville, in the Municipality of Chilliwack, being a portion of Lot 30, Group 2, Township 26, in the District of New Westminster, in the Province of British Columbia, being the part coloured red on the map or plan annexed to the conveyance from Isaac Kipp to the Corporation of the Township of Chilliwack, and more particularly described as follows: Commencing at the north-east corner of said Lot 30, Group 2; thence along the northern boundary of said lot in a westerly direction eight chains; thence at right angles southerly and parallel to the northern boundary of said lot eight chains to the point on the easterly boundary of said lot; thence along the eastern boundary of said lot five chains north to the point of commencement; containing four acres: Subject, however, to the rights of the Agricultural Society, as is more fully set out in the deed of trust, and subject, moreover, to the proviso that the said lands shall remain in perpetuity as a recreation-ground, except that the same may be alienated with the mutual consent of the Township of Chilliwack, the Chilliwack Agricultural Association, and the City of Chilliwack:
- (2.) Lot 9, Block 11, Subdivision of Lots 28A, 29A, and 30, in Group 2, in the District of New Westminster, in trust for school purposes and as school-sites for the Chilliwack Public School:
- (3.) All and singular the fire hose, reel, and other equipment of the Fire Brigade, drinking-fountain, street lamps and posts:
- (4.) All arrears of taxes and assessments due on the first of January, 1908, in the proportion hereinafter mentioned as being the true proportion between the said City and said Township, and all rights and privileges in connection therewith:
- (5.) Any and all real property within the city area acquired by the said District Corporation at tax sales in 1907, in the proportion hereinafter mentioned:
- (6.) The right, title, and interest of the District Corporation as to undivided moiety or half-part of that certain portion of land used as a cemetery, which is that part of Lot Number 416, Group 2, more particularly described as: Commencing at a point on the easterly boundary of said Lot 461, said point being 175 links north no degrees 12 minutes west from the intersection of the north boundary of the New Westminster-Yale Road with the easterly boundary of said Lot 461; thence south 89 degrees 48 minutes west and following the north boundary of the Odd Fellows' Cemetery 833 links; thence north no degrees 12 minutes west 121 links; thence north 89 degrees 48 minutes east 833 links; thence south no degrees 12 minutes east and following the easterly boundary of said Lot 461 120 links to the point of commencement, and said to contain one acre, more or less, as shown on the plan annexed to the conveyance from John Cross to the Township of Chilliwack. Also the right, title, and interest of the District Corporation in and to that certain sidewalk erected on Mary Street under local improvement by-law, and all moneys due or accruing due thereon:
- (7.) All other public works and improvements located within the city area.

Second: The City shall have access to the books of the Township Municipality at all reasonable hours until the end of 1908.

Third: The said Township of Chilliwack agrees to account for and pay over to said City all taxes and licences collected by them after the first day of January, 1908, within the area of said City, and the said City covenants to

pay the following liabilities of the Township of Chilliwack, viz.: \$400, being the cost of the Mary Street sidewalk; and all delinquent taxes upon property within the city area on the first day of January, 1908; and it is mutually agreed between the said District Corporation and said City that each shall refund to the other any excess of taxes beyond their just proportion; and it is further agreed that said proportion shall be taken as 15 to 85, 15 representing the said City's share and 85 the said District Municipality's share, and the amount proportioned accordingly of the costs of any litigation pending at the date hereof between said township and any other party or parties, and its proportion of the expenses of carrying on the affairs of the municipality from the first day of January, 1908, until the incorporation of said City.

Fourth: The City undertakes to obtain the necessary authority to and to give tax deeds, and all lands in the city area sold at the township tax sale in September, 1907, and generally to comply with all the provisions of the law under such tax sale so conducted as far as relates to said lands.

Fifth: The City covenants to carry out and give effect to all the undertakings of the Township Corporation so far as they relate to any part of said city area under the agreements entered into between the Township Corporation and the Vancouver Power Company for tramway service, electric lighting, heating, and power system and street-lighting service under the resolutions of the Township Council regarding the instalment of the telephone system, and under any contract or by-law that may exist so far as the same can be sustained and affect any part of the city area.

Sixth: The City undertakes to pay all expenses incurred, or that may yet be incurred, in carrying out this Agreement, and failing the incorporation of the City Corporation, then the said expenses, so far as incurred, shall be charged proportionately against the owners of land within the proposed city area.

Seventh: Any and all interest, whether legal or equitable, in the water record from Elk Creek subject to agreements entered into between the Township Corporation and Elk Creek Waterworks Company, Limited: Provided there shall be no discrimination of rates between the City and Township of Chilliwack.

Eighth: The said Township Corporation and the City jointly agree that they will operate and maintain that portion of land heretofore described as "the Cemetery," each undertaking to be responsible for the expenses of any burials in said Cemetery made by it, and otherwise to equally bear the expenses for the maintenance thereof.

Ninth: Said Township Municipality and the City jointly agree that the Township Municipality shall continue as trustees for the Big Prairie drainage scheme, the City undertaking to pay its proper proportion for any liability that may become due in respect of the moneys borrowed under the by-law governing the same.

Tenth: In the event of any dispute arising in connection with this Agreement, the same shall be referred to arbitration under the provisions of the Act respecting Arbitrations and References.

Eleventh: The Township Municipality and the City hereby mutually agree that they will erect, when necessary, and maintain, jointly, such bridges connecting the said Township Municipality and the City as may be deemed advisable.

Twelfth: The City Municipality agrees with the Township Municipality that it will maintain the High School now erected and in operation within the limits of the City, as also the schools within the Chilliwack School District, and the Township Municipality undertakes and agrees that it will pay a monthly proportion of the expenses thereof calculated on the basis of the attendance of scholars from the District Municipality.

Thirteenth: Provided, however, that this deed shall not take effect or become operative until the Royal assent is given to the proposed private Act.

In witness whereof the parties hereto have hereunto set their hands and seals and the seal of the Corporation has been affixed on the day and year first above written.

Signed, sealed, and delivered }
in presence of— }

SCHEDULE B.

Commencing at a point where the westerly boundary of the Skwahla Indian Reserve intersects the southerly bank of Hope Slough; thence south-easterly to the south corner of said Indian reserve; thence north-westerly to a point on the south-easterly boundary of said Indian reserve where the east line of S. Calbick's sub-lot of Lot 335, Group 2, produced north, intersects the said boundary; thence south on the east line of S. Calbick's sub-lot to the southerly boundary of the Yale Road; thence easterly to the north-east corner of Subdivision "B" of Lot 334, Group 2, New Westminster District; thence south to the south-east corner of said Subdivision "B" of said Lot 334; thence west to a point on the boundary-line between Lots 334 and 333, Group 2, produced on the south boundary of said Subdivision "B"; thence south twenty chains; thence west to the eastern boundary of Lot 331, Group 2; thence south to the northern boundary of Lot 341, Group 2; thence west to the Young Road; thence westerly to the south-west corner of the Public School Lot; thence following what is known as the "Kipp" Lane to the Kipp Road; thence following said Kipp Road to the north-west corner of Lot 31A, Group 2; thence east to the south-east corner of the Skwahla Indian Reserve; thence north and following the eastern boundary of said Indian reserve to the southerly bank of said Hope Slough; thence following the southerly bank of said slough to the point of commencement.

Crow's Nest and Northern Railway Company.....7th March, 1908.
 Dominion Trust Company.....7th March, 1908.
 Eastern British Columbia Railway Company.....7th March, 1908.
 Hudson Bay Pacific Railway Company.....7th March, 1908.
 Ladysmith Lumber Company7th March, 1908.
 Vancouver and Nicola Valley Railway Company...7th March, 1908.

CHAPTER 1.

An Act respecting the Official Map of Alberni Townsite.

[12th March, 1909.]

WHEREAS in the year 1887 a survey was made of Alberni Townsite, and an addition thereto was made in 1896, and maps purporting to correctly represent such surveys were compiled from the field-notes of the surveyors, and were deposited in the Land Registry Office, Victoria, under the numbers 197 and 197A, as the official maps of said townsite: Preamble.

And whereas errors have been found to exist in said Map No. 197, which does not properly represent the said survey, or show the true location of the monuments planted to mark the boundaries thereby established:

And whereas there has been prepared a map of Alberni Townsite which shows the surveyed lines as they actually are upon the ground, which said map, and the field-notes from which it is compiled, show clearly, and correctly describe, the boundaries of all parcels of land as accepted and in the possession of the property-owners at the present time, and agrees with the descriptions in the Crown grant and other title deeds to the property in part of said townsite heretofore erroneously described in reference to the aforesaid official map No. 197:

And whereas it is advisable, in order to remove all doubts and to secure the title of the land in part of said townsite to the parties to whom they justly belong, that the newly compiled map should be substituted for the old official maps:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “Alberni Townsite Map Act,” Short title.
1909.”

2. The map or plan of “Alberni Townsite, B.C.,” dated at the Lands Department, Victoria, 1909, and bearing the signature of a British Columbia land surveyor and of the Surveyor-General, is hereby substituted as the official map of said townsite for and in the place and stead of the said two maps or plans now on file in the office of the Registrar-General of Titles, which latter maps or plans are hereby cancelled and declared null and void. Substitutes a certain map for the official maps of said townsite.

3. Two copies of said substituted map shall be prepared and certified by the Surveyor-General as true copies of the original map, and be deposited in the office of the Registrar-General of Titles in the place of the said cancelled maps or plans. Copies of substituted map to be filed with Registrar-General of Titles.

To what map
Crown grants,
etc., to refer.

4. The Crown grant and all certificates of title issued in respect of any of said lands, and all other deeds and documents in respect of any of the said lands in describing the parcels whereof reference is made to the official map or plan of Alberni Townsite, whether made, executed, or issued before or after the passing of this Act, shall be construed as referring, and shall be deemed to refer, to the official map or plan authenticated and validated by this Act, and substituted for the plans hereby cancelled, and all such parcels shall be governed by the dimensions and descriptions shown upon or taken from said substituted map or plan.

Commencement.

5. This Act shall not come into force until a day to be fixed by proclamation by the Lieutenant-Governor in Council.

Armstrong Power and Light Company Relief....*12th March, 1909.*
Ferne Park Subdivision.....*12th March, 1909.*

CHAPTER 16.

An Act for the Relief of the Municipal Corporation of the City of Fernie.

[*12th March, 1909.*]

Preamble.

WHEREAS on the first day of August, 1908, By-law No. 39 of the said City of Fernie, being the "Fire Limits and Building By-law" and amendments thereto, were, by a general conflagration in said city, totally destroyed by fire, and all copies of such by-law and amendments, including copy registered in the office of the County Court as provided for by section 86 of the "Municipal Clauses Act":

And whereas since the said first day of August, 1908, a large number of temporary wooden buildings have been constructed or erected in contravention of such by-law and amendments:

And whereas since the erection of such temporary wooden buildings the Council of the Corporation of the said City of Fernie has finally passed another Fire Limits By-law, being No. 64 of the by-laws of the City of Fernie, and also repealed said By-law No. 39 and amendments thereto:

And whereas a resolution has been passed by the Municipal Council of the said Corporation asking for power to remove or cause to

be removed or destroyed after the first day of June, 1909, all such temporary wooden buildings which may then be situate within the fire limits of the said city:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Notwithstanding anything contained in the “Municipal Clauses Act,” or in any amendment thereto, or in any other Act, or in any by-law of the Corporation of the City of Fernie, or in any permit or agreement granted or entered into by the said Corporation of the City of Fernie or any member of the Council of the said Corporation, said By-law No. 64 of the Corporation of the City of Fernie, being the “Building By-law, 1908,” and all provisions thereof, shall take effect and come into force and be binding on all persons as and from the first day of August, 1908.

Ratification of
Ferne “Building
By-law, 1908”

2. The said Council of the Corporation of the City of Fernie is authorized and empowered by resolution to remove or cause to be removed or destroyed after the first day of June, 1909, at the expense of the owner, any and all wooden buildings or erections that have been erected or constructed since the first day of August, 1908, within the fire limits of the City of Fernie, as defined by said By-law No. 64.

Removal of certain
wooden buildings.

3. This Act may be cited as the “Ferne Fire Limit Relief Act.”

Short title.

CHAPTER 22.

An Act respecting the Grand Trunk Pacific Railway.

[12th March, 1909.]

WHEREAS an agreement was entered into on the twenty-ninth day of February, 1908, between His Majesty the King in the right of His Province of British Columbia, therein represented and acting by the Honourable Frederick John Fulton, Chief Commissioner of Lands and Works of the said Province, of the first part, the Grand Trunk Pacific Railway Company (hereinafter called “the Railway Company”) of the second part, and the Grand Trunk Pacific Town and Development Company, Limited (hereinafter called

Preamble.

"the Townsite Company"), a company incorporated for the purpose of acquiring, holding, and managing certain lands along the line of the Railway Company, of the third part:

And whereas, in and by the said agreement, it was provided, amongst other things, for the completion of the survey and subdivision of the Townsite of Prince Rupert before the thirtieth day of September, A.D. 1908:

And whereas it has been found necessary to extend the time for the completion of said survey and subdivision of the Townsite of Prince Rupert, and to vary in some other respects the terms of said agreement of the twenty-ninth of February, 1908:

And whereas, by an Order in Council made the eleventh day of August, 1908, the time for completion of such survey was agreed to be extended until the first day of May, 1909, and it was agreed that the Province would allow the Railway Company a right-of-way one hundred feet in width across the lands of the Province in said townsite:

And whereas, in and by said Order in Council, other provisions were made varying in a few particulars the said agreement of the twenty-ninth February, 1908:

And whereas, by an agreement bearing date the seventh day of September, A.D. 1908, the Railway Company and the Townsite Company agreed to carry out the terms of the said Order in Council to be performed by them:

And whereas it is expedient that the provisions of said Order in Council and agreement last mentioned should be ratified and confirmed by the Legislature:

And whereas it may be expedient to include in the Townsite of Prince Rupert the piece of land described as follows: All and singular that certain triangular parcel and tract of land and premises situate, lying, and being on the Government reserve, Kaien Island, Range Five, Coast District, Province of British Columbia, and which may be more particularly described as follows: Commencing at a post planted at the north-west corner of the Government reserve on Kaien Island, Range Five, Coast District; thence south twenty-three minutes fifteen seconds east astronomic for a distance of one thousand nine hundred and twenty feet, more or less, along the west boundary of said Government reserve to a post; thence north fifty-nine degrees forty-two minutes thirty-eight seconds east astronomic for a distance of three thousand eight hundred and six and sixty-eight one-hundredths feet, more or less, to a post on the north boundary of Government reserve; thence due west for a distance of three thousand three hundred feet, more or less, to the point of commencement; containing seventy-two acres and seventy-three one-hundredths of an acre, more or less; and to authorize the conveyance by the Crown to the Townsite Company of the said piece of land, subject to the right of the Province to select one-fourth of the lots

or blocks into which the said piece of land may be subdivided, in the same manner as applies to the rest of the townsite, in exchange for other land of the Townsite Company in said townsite of equal value:

And whereas it is necessary to extend the time for the completion of the survey of the lands embraced in the grant from the Crown to the Railway Company, bearing date the tenth day of March, A.D. 1905, and in the agreement of the twenty-ninth day of February, 1908, beyond the limits of said townsite, and to authorize the Government to permit the survey of said last-mentioned lands into blocks of greater area than forty acres wherever the Government considers that the expense of a survey into forty-acre blocks would be too great in proportion to the value of the land:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The time for the completion of the survey of the Townsite of Prince Rupert is hereby extended until the first day of May, 1909. Extension of time for surveying Townsite of Prince Rupert.
2. The time for the completion of the survey of the lands not in the Townsite of Prince Rupert embraced in the Crown grant to the Railway Company, bearing date the tenth day of March, A.D. 1905, and in the said agreement bearing date the twenty-ninth day of February, 1908, is hereby extended to the first day of October, A.D. 1910. Extension of time for survey of lands not in townsite.
3. The provisions of the said Order in Council, made the eleventh day of August, 1908, a copy of which order is set out in Schedule A hereto, and the provisions of the said agreement bearing date the seventh day of September, A.D. 1908, a copy of which is set out in Schedule B hereto, are hereby ratified and approved, and the Lieutenant-Governor in Council is hereby empowered to carry out the terms of said Order in Council and agreement. Ratification of Order in Council of 11th August, 1908.
4. The triangular piece of land described in the preamble hereto may, by order of the Lieutenant-Governor in Council, be included in the Townsite of Prince Rupert, and the Lieutenant-Governor in Council is hereby empowered to grant the same to the Townsite Company, subject to the right of the Province to select one-fourth of the lots or blocks into which the said piece of land may be subdivided, in the same manner as applies to the rest of the townsite, in consideration of a conveyance from the Townsite Company to the Crown of land of equal value in the townsite belonging to the Townsite Company. Additional land that may be included in townsite.
5. The Lieutenant-Governor in Council is hereby authorized to permit the survey of the lands not in the Townsite of Prince Rupert Survey of certain lands into blocks greater than 40 acres.

embraced in the said Crown grant to the Railway Company and in the said agreement of the twenty-ninth of February, 1908, to be made in blocks of greater area than forty acres in those portions of said lands where the Lieutenant-Governor in Council and the Townsite Company consider that the expense of a survey into forty-acre blocks would be too great in proportion to the value of the land.

Plans to be deposited in Land Registry Office after approval.

6. Plans of the lands mentioned in chapter 19 of the Statutes of 1908, approved by the Chief Commissioner of Lands and the solicitor of the Companies, shall from time to time be deposited in the proper Land Registry Office, when the Registrar is satisfied that such plans have been approved as aforesaid. After the deposit of such a plan the Registrar shall keep an index of the lands described or designated by any number or letter on such plan by the name by which it is designated thereon, and all instruments affecting the land, or any part thereof, executed after such plan has been deposited as aforesaid, shall conform thereto, otherwise the same shall not be recorded or registered. No person, except when authorized in writing by the Attorney-General, shall be permitted to copy said plans when deposited as aforesaid.

Copy of plans.

Ratification of Order in Council of 26th August, 1908.

7. The Order in Council approved on the twenty-sixth August, 1908, purporting to reserve from location or any other alienation under the "Mineral Act," "Placer-mining Act," or "Coal-mines Act," the following lands, namely: Lots Nos. 251, 443, 444, 1991, 1992, and 1993, Range V., Coast District, and the ten adjacent islands described approximately as follows: Lakanian Island, lying between Digby Island and the Mainland, containing nineteen acres, be the same more or less; Lakwilgiapsh Island, situated south of Lakanian Island, and distant about four hundred and sixty feet therefrom, containing nine acres, be the same more or less; Island Number One, adjacent to the shore of said Lot No. 1991, containing two acres, be the same more or less; Island Number Two, situated east of Lakanian Island, and distant about a thousand feet therefrom, containing one acre, be the same more or less; Islands Numbers Three and Four, adjacent to the easterly shore of Digby Island, containing respectively one acre and one acre and seventy-five one-hundredths of an acre, be the same more or less; Island Number Five, adjacent to the eastern shore of the peninsula at the south end of Digby Island, containing one-half acre, be the same more or less; and, finally, Islands Numbers Six, Seven, and Eight, adjacent to the south-westerly shore of Digby Island, containing, respectively, one acre and seventy-five one-hundredths of an acre, two acres and half an acre, and one acre and half an acre, be the same more or less, together with the foreshores which may pertain to the lands above described, is hereby ratified and confirmed, and it is declared that said Order in Council had the effect on, from, and after the said

twenty-sixth day of August, 1908, of reserving said lands from location or any other alienation under the said Acts, and shall continue to have such operation until cancelled.

SCHEDULE A.

(Approved and Ordered this 11th day of August, A.D. 1908.)

(Signed.) JAMES DUNSMUIR,
Lieutenant-Governor.

To His Honour the Lieutenant-Governor in Council:

The undersigned has the honour to report:—

That in pursuance of the agreement, dated the twenty-ninth day of February, 1908, set out in Schedule to and confirmed by chapter 19 of the "Statutes of British Columbia, 1908," the Grand Trunk Pacific Town and Development Company, Limited (hereinafter referred to as "the Townsite Company"), has laid out in Prince Rupert a townsite having an area of approximately two thousand acres, and has prepared a plan of subdivision thereof, and of certain lands adjacent thereto, in five sheets, scale 80 feet = 1 inch, and an index plan, scale 400 feet = 1 inch, which have been submitted to and approved and signed by the undersigned, and copies of which are hereto annexed:

That said plan shows the location of the station and workshops of the Grand Trunk Pacific Railway Company at Prince Rupert, and shows all the lots embraced in said agreement in said townsite or adjacent thereto fronting on the sea, and divided into Blocks A, B, C, D, E, F, G, H, I, and K, and a selection has been made of such water-front blocks; the blocks coloured green and marked B, D, F, H, and K, and having (with a strip across said blocks not exceeding 60 feet in width of right-of-way, coloured red, containing 5.5 acres) a total acreage above the high-water line of 81.5 acres, being selected by the Province, and the remaining water-front blocks coloured red and marked A, C, E, G, and I, and having a total acreage above the high-water line of 244.5 acres, being selected by the Townsite Company:

That the Grand Trunk Pacific Railway Company have submitted that, in addition to the lands required for railway purposes contained in the said water-front blocks, it requires certain other lands for railway purposes, namely:—

- (a.) An additional right-of-way 40 feet in width across the above water-front blocks selected by the Province, including a width exceeding 40 feet across part of Block F, as shown on plan, amounting in all to 4.5 acres:
- (b.) A parcel of land at Morse Creek marked on plan R. 1, containing 74.8 acres:
- (c.) A parcel of land at Hayes Cove marked on plan R. 2, containing 14.3 acres, amounting together to 93.6 acres:

That of the said 93.6 acres the undersigned recommends that the Lieutenant-Governor in Council decide that 24 acres are necessary for railway purposes within the meaning of clause 2 of the said Schedule to chapter 19 of the Statutes of 1908, and that the Province agree to allow the Railway Company to take the extra 69.6 acres asked for by them in lieu of which the Province takes 15.9 acres, coloured green and marked G. 1 on said plan, and also the four blocks coloured green and marked G. 2, G. 3, G. 4, and G. 5 on said plan, and containing 7.3 acres, making in all 23.2 acres, but said last-mentioned four blocks are given to the Province upon the express condition of their being used for public-school purposes exclusively:

That it has been agreed on behalf of the Railway Company, when requested by the Lieutenant-Governor in Council, to construct at the expense of the Province an approach or street through block marked R. 1 to the water-front block of the Province marked B, connecting with one of the streets shown on plan of townsite; also to allow all streets crossing the water-front blocks of the Province to go, by overhead crossing, over the railway-track, and to allow a street to the water-front across the middle of Block E and over the railway-track.

That the Railway Company has also agreed to extend and operate their main line, as shown on the plan, to the south-easterly point of block marked K, and to put in spurs and sidings on the usual terms to all wharves, warehouses, or other buildings either on the water-front owned by the Province, or on any portion of said water-front lands, when requested to do so by the Lieutenant-Governor in Council:

That the Railway Company and Townsite Company have agreed to convey or assign to the Province all such title as they, or either of them, now have, or may at any time hereafter acquire, in the foreshore fronting on the water-front blocks of the Province:

That, owing to the protracted negotiations over the approval of said plan, the commencement of the survey on the ground of said townsite has been greatly delayed, and, in consequence, the Townsite Company represents that it will be impossible to comply with terms of said agreement and to complete the survey by the thirtieth day of September next, and have asked that the time for the completion of said survey be extended until the first day of May, 1909:

And to recommend that the said plan, hereunto annexed, be approved, subject, however, to such rectification as may be found necessary when the actual survey is made on the ground to make it conform to same:

And that the selection of water-front lots above mentioned be confirmed:

And that the additional right-of-way and Blocks R. 1 and R. 2 asked for by the Railway Company for railway purposes be allowed to them for such purposes in consideration of the Province obtaining the 15.9 acres and four school blocks hereinbefore mentioned as an equivalent for the extra acreage over and above what the Province deems actually necessary for such purposes:

And that the lands coloured yellow on said plan be left unsubdivided for the present, and be subject to such subdivision as may hereafter be agreed upon between the Province and the Company:

And that the streets shown on said plan within the block marked F be accepted and confirmed by the Province as part of the plan of the townsite, and are not to be closed or interfered with:

And, further, that the time for completion of the survey hereinbefore mentioned be extended to the first day of May, 1909, and that the necessary legislation confirming such extension be introduced and passed at the next session of the Legislature:

And that a certified copy of this Minute, if approved, be given to Mr. D'Arcy Tate, assistant solicitor to said Railway Company:

It being distinctly understood, however, that should the Railway and the Townsite Company fail to give the Province, within ninety days of the date hereof, a valid and binding agreement, under seal, embodying the terms and agreements on their part hereinbefore set out and mentioned, that this Order in Council and the approval therein contained shall be subject to rescission.

Dated this eighth day of August, A.D. 1908.

(Signed.) FRED J. FULTON,
Chief Commissioner of Lands and Works.

Approved this tenth day of August, A.D. 1908.

(Signed.) F. CARTER-COTTON,
Presiding Member of the Executive Council.

SCHEDULE B.

THIS INDENTURE OF AGREEMENT, made this seventh day of September, A.D. 1908,

Between,

HIS MAJESTY THE KING in the right of his Province of British Columbia, herein represented and acting by the Honourable Frederick John Fulton, Chief Commissioner of Lands and Works of the said Province (hereinafter referred to as "the Province"), of the first part;

THE GRAND TRUNK PACIFIC RAILWAY COMPANY (hereinafter called "the Railway Company") of the second part;

and

THE GRAND TRUNK PACIFIC TOWN AND DEVELOPMENT COMPANY, LIMITED, a company incorporated for the purpose of acquiring, holding, and managing certain lands along the line of the Railway Company (hereafter called "the Townsite Company") of the third part.

Whereas an agreement bearing date the twenty-ninth day of February, 1908, was heretofore entered into between the parties hereto, which agreement forms the Schedule to and was confirmed by chapter 19 of the "Statutes of British Columbia, 1908":

And whereas in and by the said agreement the Townsite Company agreed to lay out at Prince Rupert a townsite, the survey and subdivision thereof to be shown on a plan which was to be approved by the parties jointly:

And whereas a plan of such subdivision was duly prepared for the Townsite Company and submitted to the Lieutenant-Governor in Council for approval:

And whereas an Order in Council, passed on the eleventh day of August, 1908, approving of the plan of said subdivision and dealing with certain other matters in connection with the Townsite of Prince Rupert, recited an agreement on the part of the Railway Company and the Townsite Company to do certain things, and required that the said Companies should, within ninety days, give to the Province a valid and binding agreement, under seal, embodying the terms and agreements set forth on their behalf in said Order in Council, and these presents are executed by the Companies for the purpose of complying with such requirements:

The expression "plan," where here referred to in this Agreement, means the plan of the subdivision of the Townsite of Prince Rupert annexed to the said Order in Council, dated eleventh August, A.D. 1908:

Now, therefore, this Indenture witnesseth that the parties hereto have agreed with each other as follows:—

1. The Railway Company agrees with the Province—

- (a.) To construct, at the expense of the Province, an approach or street through the block marked "R. 1" to the water-front block of the Province marked "B" on plan, and connecting with one of the streets, as shown thereon, when requested by the Lieutenant-Governor in Council so to do:
- (b.) To allow all streets crossing the water-front blocks of the Province, as shown on plan, to go by overhead crossing over the railway-tracks:
- (c.) To allow a street over the railway-tracks to the water-front, crossing about the middle of Block E on the plan:
- (d.) To extend and operate its main line to the south-easterly point of block marked "K" on plan:
- (e.) To put in spurs or sidings on the usual terms to all wharves, warehouses, or other places on the water-front lands shown on plan, when requested by the Lieutenant-Governor in Council so to do.

2. The Railway Company and the Townsite Company severally agree with the Province—

To convey and assign to the Province all such title as they, or either of them, now have, or may at any time hereafter acquire, in the fore-shore fronting on the water-front blocks of the Province.

3. This Agreement shall extend to and be binding upon the successors and assigns of the parties hereto respectively.

In witness whereof this Agreement has been duly executed by the parties.

In the presence of—

D'ARCY TATE.

THE GRAND TRUNK PACIFIC RAILWAY COMPANY.

FRANK W. MORSE,

Vice-President and General Manager.

HENRY PHILIPS,

Secretary.

[L.S.]

THE GRAND TRUNK PACIFIC TOWN

AND DEVELOPMENT COMPANY, LIMITED.

FRANK W. MORSE,

Vice-President.

HENRY PHILIPS,

Secretary.

[L.S.]

CHAPTER 46.

An Act authorizing the Lieutenant-Governor in Council to grant to the City of Victoria Lot 921 in said City, used as the Site of the Kingston Street Fire Hall.

[12th March, 1909.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the “Kingston Street Fire Hall Act.”

Lieut.-Governor in Council authorized to grant site of Kingston Street Fire Hall to City of Victoria.

2. It shall be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he shall see fit, to grant to the Corporation of the City of Victoria, for corporate purposes, all that piece or parcel of land in said city known as City Lot 921, and now used by the said Corporation as the site of the Kingston Street Fire Hall.

CHAPTER 47.

An Act to amend "An Act relating to the City of Victoria," being Chapter 46 of the Statutes of 1907, c. 46.
1907.

[12th March, 1909.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as "Victoria City Special Powers Amendment Act, 1909." Short title.

2. Section 3 of chapter 46 of the Statutes of 1907, being "An Act relating to the City of Victoria," is hereby amended by inserting after subsection (7) the following subsection:— Amends s. 3.

"(7A.) The arbitrator so to be appointed shall have power, without any further or other authority, to determine and, subject to the approval of the Registrar-General of Titles, to demark and show on the said official map the boundaries and numbers of all lots within the blocks shown thereon, according to any plan or plans of said lands registered in the Land Registry at Victoria, and the said official map so amended is hereinafter referred to as 'said official map.'"

Arbitrator may determine lot boundaries.

3. Subsection (8) of said section 3 of said chapter 46 is hereby amended by striking out the word "plan" appearing on the fifth and tenth lines of such section, and by substituting in each case therefor the word "map."

Amends subsec. (8) of s. 3.
Corrects clerical errors.

4. Subsection (9) of said section 3 of said chapter 46 is hereby amended by striking out the word "plan" appearing in the eighth line, and substituting therefor the word "map"; by inserting the word "said" on the third line of said subsection (9) between the words "the" and "official"; by inserting the words "of said Act" after the figures "256" in the tenth line of said subsection; and by striking out the figures "246" appearing in the seventeenth line of such section, and substituting therefor the figures "256."

Amends subsec. (9) of s. 3.
Corrects clerical errors.

5. Nothing in this Act contained shall affect pending legal proceedings.

Pending legal proceedings not to be affected.

British Columbia Permanent Loan Company....*12th March, 1909.*
 Coldstream Estate Company and White Valley
 Irrigation and Power Company, Amalgama-
 tion of Water Rights.....*12th March, 1909.*

CHAPTER 51.

1903-4, c. 60.

An Act to amend the "False Creek Foreshore Act, 1904."

[*12th March, 1909.*]

Preamble.

WHEREAS the Corporation of the City of Vancouver has by petition prayed that it be enacted as hereinafter set forth:
 And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Amends s. 13.

1. Section 13 of the "False Creek Foreshore Act, 1904," as amended by the "False Creek Foreshore Act, 1904, Amendment Act, 1908," is hereby further amended by striking out the word "January" and figures "1908" in the sixth line of section 1 thereof, and substituting therefor the words and figures "February, 1910"; and by striking out the figures "1909" after the word "February" in the eighth line of said section 1, and substituting therefor the figures "1910."

Plan may be
 amended or new
 plan or plans
 adopted and
 approved.

2. The Council of the Corporation of the City of Vancouver may amend and adopt any plan or scheme already adopted by such Council and approved of by the Lieutenant-Governor in Council, or adopt any new plan or plans, or scheme or schemes, and apply for and have the same approved by the Lieutenant-Governor in Council.

Short title.

3. This Act may be cited as the "False Creek Foreshore Act, 1904, Amendment Act, 1909."

Flathead Valley Railway Company.....	19th February, 1909.
Goat River Water Power and Light Company.....	12th March, 1909.
Graham Island Railway Company.....	12th March, 1909.
Hardy Bay and Quatsino Sound Railway Company	12th March, 1909.
Meadow Creek Railway Company.....	12th March, 1909.
Pacific Coast Coal Mines	12th March, 1909.
Pacific Northern and Omineca Railway.....	12th March, 1909.
Portland Canal Short Line Railway Company....	12th March, 1909.
Prince Rupert and Port Simpson Railway Com- pany	12th March, 1909.
South-East Kootenay Railway Company.....	19th February, 1909.
Roman Catholic Archbishop of Vancouver.....	12th March, 1909.
Vancouver Incorporation (Amendment) (Consoli- dated)	12th March, 1909.
Vancouver and Northern Railway Company.....	12th March, 1909.
Victoria and Barkley Sound Railway Company	19th February, 1909.

CHAPTER 66.

An Act to amend the "Corporation of Victoria Water-works Act, 1873," and the "Victoria Waterworks Amendment Act," Chapter 64 of the Statutes of 1892, and to give Additional Powers.

1873, c. 20;
1892, c. 64.

[12th March, 1909.]

WHEREAS a petition has been presented by the Corporation of the City of Victoria, praying that the "Corporation of Victoria Waterworks Act, 1873," as amended in 1892, be further amended:

Preamble.

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Victoria City Waterworks Acts Amendment Act, 1909."

Short title.

2. It is hereby declared that the powers, rights, and privileges granted and conferred by chapter 20 of 36 Victoria, being the "Corporation of Victoria Waterworks Act, 1873," as amended by chapter 64 of the Statutes of 1892, are hereby ratified and confirmed

Ratifying 36 Vict.,
c. 20, and c. 27 of
1881, and c. 64 of
1892.

Rights not diminished by "Water
Clauses Consolidation
Act."

to the Corporation of the City of Victoria; and it is hereby declared that such powers, rights, and privileges were and are in no way abrogated or diminished by the Statute, chapter 190 of 1897 (the "Water Clauses Consolidation Act"), or by any Statute amending, altering, repealing, or in substitution for the same, or by any general Statute previous thereto repealed thereby, or by any other Statute heretofore passed:

Provided that the Commissioner shall not enter upon, take, or appropriate any of the lands, waters, rights, or privileges of the Esquimalt Waterworks Company without, if that Company so requires, taking, appropriating, and purchasing the whole undertaking of the Company; and the price or compensation to be paid by the said Corporation to the said Company for the value of the property so purchased, taken, or appropriated shall, in case of disagreement, be decided by arbitrators appointed under the said Statutes of 1873, chapter 20, and 1892, chapter 64:

Provided also that the Corporation of the City of Victoria may expropriate a sufficient right-of-way over, through, or under the lands of the Esquimalt Waterworks Company for the purpose of conducting waters from Sooke watershed to the waterworks system of the City of Victoria, notwithstanding the foregoing, making compensation therefor and for all damage at any time thereafter suffered thereby: Provided further that the power in this section contained shall not extend, and the said Commissioner shall not have or exercise under any power in that behalf vested in him, the right of expropriation over the land of the Esquimalt Waterworks Company forming the reservoir-site below the power-house at Goldstream: And provided further that the works for conducting the said water from Sooke Lake watershed shall be begun within two years of the fifteenth day of March, 1909, and finished within eight years from said date as to the first means of conduit of such waters:

Provided further that the following shall govern the said arbitration proceedings in determining the compensation for the expropriation of the undertaking as a whole:—

- (a.) An offer of purchase shall first be made of not less than seven hundred thousand dollars (\$700,000)—to be deemed a tender—and the Company shall have two months to accept such offer:
- (b.) If the Company decline such offer and arbitration ensues, the arbitrators shall be limited to awarding to the Company, and no such award shall exceed, the sum which the Company would become entitled to, determined as if the said Esquimalt Waterworks Company were a company incorporated under the "Water Clauses Consolidation Act of 1897," and as if its franchises, undertakings, property, and assets were in process of compulsory purchase by Order in Council, under the provisions of section 129 of

said "Water Clauses Consolidation Act, 1897," but so that the interest on capital invested shall be calculated at not exceeding six per cent. per annum, at simple interest, and the bonus on capital actually invested at not more than twenty per cent., and no deductions shall be made in respect of so much of the net profits as were used for construction purposes.

3. Section 10 of said Act of 1873 is hereby amended by enacting that the returns by said section to be made annually on or before the thirty-first day of December in each and every year shall be made on or before the fifteenth day of January of each year for the year preceding.

Annual return to be made by 15th January.

4. Section 20 of said Act of 1873 is hereby amended by adding the following subsection:—

"(a.) In the case of tenement buildings or buildings let or occupied in separate tenancy, the service-pipe throughout the building shall, as to supply of water, be under the control of the Water Commissioner."

Control of surface pipes in tenements.

5. Sections 28, 29, and 31 of said Act of 1873 are hereby repealed, and the following section is substituted therefor:—

"28-31. Generally for all waterworks purposes, including the payment of sinking fund and interest on moneys owing, and hereafter to be borrowed or procured to be expended, and expenses of such borrowing or procuring, or for the purpose of meeting the payment of any other expense, work, matter, or thing that is contemplated or allowed by the said 'Victoria City Waterworks Act, 1873,' and the Amendment Act, chapter 64, of 1892, and of this Act, the Council of the Corporation of the City of Victoria shall have power to borrow money by way of debentures or otherwise in such manner, in such form, and for such term, and at such interest and discount, or to procure the construction of a waterworks system upon such plan of finance as may be deemed desirable, and to vest any such system in whole or in part in such manner as may be necessary in order to carry out any such plan, and generally for effectuating such borrowing or financing in all matters and things in such manner as to the Council may seem fit, upon the security of the waterworks system and property and the taxes and rates, rentals and charges, and the general revenue of the waterworks system or waters of the Corporation, or on either or any or all of them, and may as additional security pledge, for the payment of the moneys borrowed or procured to be expended and the interest and sinking fund and all expenses of and attending the borrowing or procuring, the credit of the Corporation, or otherwise guarantee payment of the same in whole or in part: Provided always that a by-law approving thereof shall be

Borrowing-powers.

Proviso.

submitted to and passed by a vote of a majority of the persons voting thereon, qualified to vote on by-laws by virtue of subsection (2) of section 75 of the 'Municipal Clauses Act.'"

Repealing s. 33 of Act of 1873.

6. Section 33 of said Act of 1873 is hereby repealed.

Interest to be payable out of revenue.

7. The interest and sinking funds necessary to be raised to satisfy and retire existing loans obtained by the Corporation for waterworks purposes shall be charged upon and primarily payable out of the revenue derived from the waterworks system.

Moneys raised not to be counted in aggregate of city indebtedness.

8. Moneys heretofore raised, or hereafter to be raised, by the Corporation for waterworks purposes, whether with or without guarantee, shall not be counted in the aggregate of indebtedness which the Corporation is, by the "Municipal Clauses Act," authorized to incur.

By-laws. Revenue to be paid to City Treasurer and dealt with for waterworks purposes.

9. Section 14 of the said Act of 1873, as amended by section 5 of the Amendment Act, chapter 64, of 1892, is hereby repealed, and the following section is substituted therefor:—

"14. The Municipal Council of the City of Victoria shall have power from time to time to make and enforce all necessary by-laws, rules, and regulations for the general maintenance or management and conduct of the said waterworks and the officers and employees, not inconsistent with this Act, and for the collection of the said water rent and water rate and charges, and for fixing the time and times when and the places where the same shall be payable, and in case of default in payment, in addition to every other remedy, to enforce payment by shutting off the water."

10. Section 34 of said Act of 1873, as amended by section 9 of the Amendment Act, chapter 64, of 1892, is hereby repealed, and the following section is substituted therefor:—

Disposal of revenue.

"34. All the existing and future revenues arising from or out of the waterworks system of the City of Victoria shall be paid to the Treasurer of the Corporation of the City of Victoria, and by him placed to the credit of an account to be termed 'The City Waterworks Account.' The moneys so standing to such waterworks account shall be subject to the jurisdiction of the Council of the Corporation in the same manner, but not so as to form part of the general revenue and funds of the Corporation, and the said funds shall be expended on waterworks account alone, including payment of the sinking fund and annual interest on moneys heretofore and hereafter borrowed by the Corporation for waterworks purposes: Provided always that moneys in any year in excess of the moneys required to pay the annual expenditure of the waterworks system, including the interest and sinking funds payable in respect of all existing loans for waterworks purposes, may be used for corporate purposes as the Council may resolve."

11. Section 36 of said Act of 1873 is hereby amended by adding at the end thereof the following words:—

“(a.) No action, suit, or other proceeding shall be brought against the Commissioner or the Corporation arising out of anything done or omitted or suffered in connection with waterworks matters, until the expiration of one month after notice in writing of any claim, with detailed items of such claim, served upon the said Commissioner:

Limitation of actions and exemption from execution.

“(b.) No portion of the lands or property forming part of the waterworks system shall at any time be liable to be taken in any process of execution, but this exemption shall not apply as against debenture-holders, or as against any person or corporation to whom or in whom the waterworks system or property, or any part thereof, may have been hypothecated or vested pursuant to the powers in this Act contained.”

12. Sections 40, 42, and 43 of said Act of 1873 are hereby repealed.

13. The water rates imposed or levied under authority of the “Victoria City Waterworks Act, 1873,” and of the Amendment Act of 1892, and of this Act, shall be and continue until paid a lien or charge upon the real property assessed, and shall become delinquent on the thirty-first day of December in the year in which the same are levied, and may be enforced with interest from due date at eight per cent. per annum in the same mode and with the like incidents and remedies as municipal taxes on real property are enforced under the provisions of the “Municipal Clauses Act,” chapter 32 of the Statutes of 1906, sections 153, 154, and 155, which said sections, so far as same apply and are not inconsistent with this Act, shall be deemed to be incorporated and repeated herein. The said water rates and every rate, tax, charge, or price imposed, fixed, and payable under the provisions of said Acts of 1873 and 1892 and this Act shall, in addition to every other remedy, be deemed a debt due to the Corporation by the registered owner of such real property assessed at the time of such assessment, and shall bear interest from due date at eight per cent. per annum, and shall be recoverable by action brought by the Corporation with costs of suit in any Court of Record in the Province, or in the Small Debts Court of Victoria, at Victoria.

Mode of levying and collecting taxes, etc.

Lien on land.

Recovery by action.

14. The repeal in this Act contained shall in no way prejudicially affect the rights or the remedies of the Corporation of the City of Victoria, or of any holder of debentures heretofore issued, under or by virtue of or arising out of any repealed enactment.

Saving clause.

Westminster Hall.....12th March, 1909.

CHAPTER 3.

An Act to ratify an Agreement bearing Date the Seventeenth Day of January, A.D. 1910, between His Majesty the King and the Canadian Northern Railway Company.

[10th March, 1910.]

Preamble.

WHEREAS His Majesty the King, herein acting and represented by the Honourable Richard McBride, Minister of Mines, has entered into an Agreement with the Canadian Northern Railway Company, a copy of which forms the Schedule to this Act:

And whereas it is deemed expedient to ratify and confirm the said Agreement:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Ratification of Agreement.

1. The said Agreement, a copy of which forms the Schedule to this Act, is hereby ratified and confirmed, and declared to be legally binding, according to the tenor thereof, upon His Majesty and the Canadian Northern Railway Company; and the parties to said Agreement, so far as the Legislature of the Province of British Columbia has power to enact, are hereby authorized and empowered to do whatever is necessary to give full effect to said Agreement, the provisions of which are to be taken as if they had been expressly enacted hereby and formed an integral part of this Act.

Canadian Northern Pacific Railway Company can proceed to implement Agreement.

2. The Canadian Northern Pacific Railway Company, mentioned in said Agreement, is hereby authorized and empowered, when incorporated, to have the power to do and to do whatever is necessary and expedient to implement the provisions of said Agreement.

Execution of guarantee.

3. The said guarantee of securities mentioned in said Agreement shall be signed by the Minister of Finance for the Province of British Columbia, or such other officer as may be so designated by the Lieutenant-Governor in Council, and upon being so signed the Province of British Columbia shall become liable for the payment of the principal and interest of the securities guaranteed according to the tenor thereof, and the Lieutenant-Governor in Council is hereby authorized to make arrangements for supplying the money

necessary to fulfil the requirements of the said guarantee, and to advance the amount necessary for that purpose out of the general revenue of the Province; and in the hands of any purchaser, pledgee, or other person acquiring any of such securities, the said guarantee so signed shall be conclusive evidence that the terms of this Act with respect thereto have been complied with.

Operation of
guarantee.

4. Subject to the proviso in this section contained, the mortgages or deeds of trust (hereinafter called "the original instruments") securing the securities provided to be guaranteed by said Agreement may provide for the issue, from time to time, and ranking *pari passu* with said securities and without preference or priority one over the other, of additional securities of similar kind, tenor, and effect, not exceeding thirty-five thousand dollars (\$35,000) per mile of additional lines of railway in the Province of British Columbia, to be hereafter constructed by the Canadian Northern Pacific Railway Company executing the original instruments: Provided always that before such additional securities are issued, the guarantee by the Province of the payment of the principal and interest thereon shall first have been authorized by the Legislature, and that such guarantee shall first have been given pursuant to such authorization.

Guarantee of
further securities.

5. Supplementary mortgages or deeds of trust (herein called "supplementary instruments") covering the said lines in the said Agreement mentioned and the additional lines in the preceding section mentioned, in form approved by the Lieutenant-Governor in Council, shall be taken to the trustees of the original instruments, and such additional securities shall be issued under the terms of the original instruments and supplementary instruments, which, together with the mortgaged premises covered thereby, shall form the security for all the securities issued thereunder, in the same manner and with the same effect as if the original instrument and supplementary instrument formed but one instrument, and as if all the securities issued or to be issued under the original or supplementary instruments were issued under one instrument.

Supplementary
instruments.

6. Any payments by the Province of principal or interest on the said securities, pursuant to the guarantee thereof, shall not in any event be taken to affect the liability of the Canadian Northern Railway Company, or the Canadian Northern Pacific Railway Company therefor, under the securities so paid, or under the mortgage or deed of trust securing the payment thereof, or under the terms of the said Agreement, but such liability shall remain unimpaired and enforceable, according to the terms of the mortgages or deeds of trust and of the aforesaid Agreement, by the Province against the said companies. Subject to the terms of the Agreement, the Province shall be subrogated as against the said companies to all rights, privileges, and powers to which the holders of the respective securities so paid

Payments by Province not to affect liability of Canadian Northern Railway Company or Canadian Northern Pacific Railway Company.

were entitled, by virtue of such securities or of the said mortgage or deed of trust, prior to payment by the Province under its guarantee, and shall, with respect to the securities so paid, be in the same position as a holder of securities upon which the issuing company has made default.

SCHEDULE.

MEMORANDUM OF AGREEMENT, made this seventeenth day of January, A.D. 1910,

Between,

HIS MAJESTY THE KING (hereinafter called "the Government," and herein acting and represented by the Honourable Richard McBride, Minister of Mines for the Province of British Columbia) of the first part;

and

THE CANADIAN NORTHERN RAILWAY COMPANY (hereinafter called "the Northern Company") of the second part.

Whereas the Government of the Province of British Columbia deems it in the public interest to aid in the construction of the lines of railway hereinafter mentioned for the purpose of securing to the people of British Columbia reasonable passenger and freight rates, and to assist in the opening-up and the development of the Province:

Now, this Agreement witnesseth, and the parties hereto have agreed, as follows:—

Act ratifying
Agreement.

1. The Government will, at the next session of the Legislature of British Columbia, promote the passage of an Act, a copy of which is a Schedule hereto, ratifying and confirming this Agreement, and authorizing and confirming the guarantee hereby agreed to be given.

Act incorporating
Canadian Northern
Pacific Railway
Company.

2. The Government will, at the next session of the Legislative Assembly of the Province of British Columbia, promote the passage of an Act, a copy of which is a Schedule hereto, incorporating the Canadian Northern Pacific Railway Company (hereinafter called "the Pacific Company"), and authorizing that Company to construct, maintain, and operate the works and railways hereinafter provided for.

Covenants to
extend to successors
and assigns.

3. Subject as aforesaid, all covenants and agreements herein contained shall, according to the tenor and nature thereof, be binding on and extend to the respective successors and assigns of the parties hereto.

Construction and
operation of lines.

4. The Northern Company covenants and agrees with the Government that the Pacific Company shall and will well, truly, and faithfully acquire, lay out, make, build, construct, complete, equip, maintain, and operate, or cause to be operated, continuously the following lines of railway of a standard uniform gauge of four feet eight and one-half inches within the limits of the Province of British Columbia, that is to say:—

Mainland line.

(a.) A line of railway connecting with the main line of the Northern Company at some point at or within the eastern boundary of the said Province; thence through the Province, through the City of New Westminster to a point in the City of Vancouver, and also to a point at or near English Bluff, south of the Fraser River, a distance of approximately five hundred miles; such line of railway to be constructed from the point of the eastern boundary aforesaid, via the Yellowhead Pass, the North Thompson River, the South Thompson River, and the Fraser River, to the termini aforesaid. The Pacific

Company will endeavour to bring its line into the City of Kamloops, either by diverting its main line so as to run through the city, or by the construction of a line connecting its main line with the city; and in the event of such Company satisfactorily completing such arrangements and constructing into or through the city, the Government will extend the foregoing guarantee so as to cover any additional mileage occasioned by such construction:

- (b.) From a point in the City of Victoria to a point on or near Barkley Sound, on the Island of Vancouver, a distance of approximately one hundred miles. Barkley Sound line.

5. The Northern Company covenants and agrees with the Government that the Pacific Company will also construct, or cause to be constructed, operated, and maintained, along and in connection with each of said lines of railway, a telegraph-line, and supply all such telegraph equipment and apparatus as may be necessary for the efficient working of such telegraph-lines, both for railway and commercial service. Telegraph-lines.

6. The Northern Company covenants and agrees with the Government that the Pacific Company will also establish, or cause to be established, by the time the firstly described line of railway is ready for operation, and thereafter shall operate, or cause to be operated, from a harbour at or near English Bluff, on the mainland of British Columbia, to and from a harbour at or near the City of Victoria, a first-class modern passenger, mail, express, and car-ferry service. Ferry.

7. The Northern Company further covenants and agrees with the Government that in the location, construction, maintenance, and operation of the said above-mentioned lines of railway the following provisions shall apply, and shall be observed by the Pacific Company, and be by it completely and effectually performed, fulfilled, and carried out, that is to say:— Provisions as to location, etc.

- (a.) That the Pacific Company shall and will locate and construct the said above lines of railway, respectively, by the shortest possible routes, with only such deviations as may be deemed necessary in order to avoid serious engineering difficulties, and such as shall be sanctioned by the Lieutenant-Governor in Council: Shortest routes to be adopted.

- (b.) That the lines above mentioned, when completed and equipped, shall in all respects, apart from grades and curvatures (as to which the character of the country through which the lines pass shall be taken into consideration), be equal to the standard of the main line of the Canadian Northern Railway as constructed between the City of Winnipeg, in the Province of Manitoba, and the City of Edmonton, in the Province of Alberta, as the condition of that line was when first completed and ready for operation. The Pacific Company shall efficiently equip such lines of railway, and shall make the sleeping-cars, dining-cars, and day-coaches thereon the equal of those in use on the first-class railway systems of America: Standard of construction.

- (c.) That the workmen and labourers employed in or about the construction of the said lines of railway shall be paid such rates of wages as may be currently payable to workmen and labourers engaged in similar occupation in the districts in which said lines of railway are being constructed: Standard of equipment.

- (d.) That the material and supplies used in and about the construction of the lines of railway aforesaid shall be purchased within the Province of British Columbia, and from manufacturers, merchants, and dealers located and carrying on business within the Province, in so far as such purchases can be made upon terms and conditions equally favourable to the Pacific Company as those obtainable elsewhere: Labour. Wages.

- (e.) In all contracts or sub-contracts providing for or relating to or affecting the construction of the said above-described lines of railway, and any part or parts thereof, the Pacific Company shall provide and Supplies, purchase of. Sub-contracts.

insert, or cause to be provided or inserted, a provision embodying and effectually providing for the carrying-out of the provisions of subsections (c) and (d) of this section:

Commencement
of work.

- (f.) That the Pacific Company will commence, or cause to be commenced, the works provided for in this Agreement within three months after the execution by the Government of the trust deed or deeds securing the guaranteed securities hereinafter referred to, but not later than the first day of July, 1910, at the points and in the manner hereinafter prescribed, that is to say:—

Prosecution
of work.

On the mainland of British Columbia at or near the City of New Westminster, and on Vancouver Island at or near the City of Victoria, and shall effectually continue the work of construction so that from and after the commencement of construction of the lines aforesaid there shall be expended thereon, and in supplies and material for use thereon, as follows: On the mainland line, a minimum of the cost equivalent of at least fifty miles of line during the first year, seventy-five miles during the second year, and one hundred miles during the third year; and on the Barkley Sound line, the equivalent of at least twenty miles during each year, and so that both of such lines shall be fully completed on the first day of July, A.D. 1914:

Passenger and
freight service.

- (g.) The Northern Company agrees that the Pacific Company will, from and after the completion of the mainland line, subject to the act of God, and such other interruptions as are incidental to and unavoidable in the operation of railroads, maintain, or cause to be maintained, a regular daily first-class passenger and freight service between a harbour at or near the City of Victoria and the system of the Northern Company lying to the east of the Province of British Columbia, and that the railways of the Northern Company and of the Pacific Company shall interchange traffic so as to afford the same convenience of operation to the public as if the lines of the two railways were operated by one company, and will also, after the completion of the Barkley Sound line, subject to the exceptions aforesaid, maintain, or cause to be maintained, on such last-mentioned line a daily freight and passenger service in every way commensurate with the business which may be offered:

Workshops at
Victoria.

- (h.) The Pacific Company will erect and maintain, within three miles of the City of Victoria, all of the workshops, repair-shops, and round-houses which it may require in connection with the secondly described line, and which it may establish at or near the southern terminus of such line:

Terminals at
Victoria and
Vancouver.

- (i.) The Pacific Company will provide and maintain adequate terminal facilities in connection with its business at the City of Victoria and at the City of Vancouver:

Joint bridges.

- (j.) In the event of the Government desiring for traffic other than railway purposes to join in the construction and use of any bridge which the Pacific Company is about to erect, it may, within reasonable time before the Pacific Company commences construction thereof, notify that Company of its intention so to do, whereupon it shall be the duty of the parties to endeavour to agree upon plans suitable to the requirements of the Pacific Company as well as to the requirements of the Government. The cost of any bridge so erected shall be divided between the parties joining in the erection of the said bridge, and the bridge shall thereafter be maintained all on terms and division of expense and cost to be agreed upon between the interested parties.

Pacific Company
when incorporated
to adopt this
Agreement.

- (k.) The Pacific Company shall, by the trust indenture or indentures hereinafter mentioned, or by other instrument, covenant and under-

take with the Government to accept the terms, covenants, and conditions of this contract, and to construct the several works, make the several payments, and do the several things which under this Agreement are to be constructed, paid, or done by the Pacific Company, all in accordance with the several terms and provisions hereof; whereupon, and upon the completion of the lines and terminals hereby agreed to be built or provided within the terms of this Agreement, the Northern Company shall be relieved from its covenants herein, except as agreed in paragraph 6 (g), (h), and (l) of this paragraph, and in paragraphs 8 and 17 hereof:

- (l.) The Canadian Northern Railway Company agrees to indemnify the Government against all payments which it may make under the terms of this Agreement, and against all loss which it may be put to so far as the same shall be repayable by the Pacific Company hereunder, and against all interest which this Agreement provides the Pacific Company will repay, and against all costs to which the Government may be put in enforcing its securities hereunder as and when the same are payable, repayable, or incurred: Indemnity by Canadian Northern Railway Company.
- (m.) The Pacific Company will not alienate, sell, lease, or dispose of the aided lines, or either of them, unless such Company shall first obtain the consent thereto of the Lieutenant-Governor in Council. This covenant shall not, however, be construed to limit or restrict the right or power of the Pacific Company to secure any bonds, debentures, or other indebtedness of such Company upon the said lines by mortgage or trust deeds containing power of sale, foreclosure, or right of possession: Aided lines not to be sold without consent of Lieut.-Governor in Council.
- (n.) The Northern Company agrees that the Pacific Company will furnish to the Government security for the construction and equipment of the aided lines, in accordance with the terms of this Agreement, in the sum of five hundred thousand dollars, to the satisfaction of the Government; such security to be by bond or by the deposit of securities, or otherwise, as may be agreed upon. Security.

8. In consideration of the guarantee of the securities hereunder, the Northern Company covenants that the Pacific Company will agree that the Lieutenant-Governor in Council may from time to time, having due regard in so doing to the position and interests of the Pacific Company, and in the case of traffic destined to or originating in the other Provinces of Canada, bearing also in mind the desirability of obtaining reasonable rates from points in the Province of British Columbia to points in the other Provinces, or vice versa, modify any rates established by the Pacific Company for the carriage of freight and passengers to and from all points on the said aided lines within the Province of British Columbia: Provided always that before any rates are so modified, the Pacific Company shall be heard and its interests taken into consideration as aforesaid: Provided further that if the Pacific Company shall at any time be dissatisfied with any rates so modified by the Lieutenant-Governor in Council, it shall have the right to appeal from the order modifying any such rates to the Supreme Court of British Columbia. Any such appeal shall be heard before the Chief Justice and one of the Justices, or before two of the Justices of such Court (hereafter referred to as "the Appellate Tribunal"), who, upon any notice of appeal being given, shall be nominated by the Lieutenant-Governor in Council to hear and determine such appeal. The Appellate Tribunal, in the event of any such appeal, shall have authority, and it shall be its duty, to inquire into the whole matter, with power to call and examine on oath or otherwise such witnesses as either party may desire; to examine into, or cause to be examined into, all books, vouchers, or accounts of the Company; to call in the assistance of such experts, and generally to make such investigation as it may be deemed desirable to enable it to determine the matters Rates.

involved in such appeal; and thereupon it may either confirm, modify, disallow, or revise such rates so appealed against. Any rates so modified and determined by the order of the Lieutenant-Governor in Council, in conformity with the provisions of this section, shall, except as modified on such appeal, be rates which the Pacific Company will be entitled to enforce in respect of the services covered by such rates. The Canadian Northern Railway undertakes that it will not, and that the Pacific Company will agree that it will not, bring or promote any appeal to the Railway Commission of Canada from any order made under and pursuant to the provisions of this section; and, in the event of any such appeal being brought by others, that the Northern Company and the Pacific Company will represent to the Commission, on such appeal, that it is satisfied with the rates the subject of such appeal in so far as they are, or have been, established within the provisions of this section.

Bonds to be
guaranteed.

9. The Pacific Company shall cause to be legally issued bonds, debentures, debenture stock, or other securities (hereinafter referred to as "securities") for a total amount equal to thirty-five thousand dollars (\$35,000) per mile of each of the said two lines of railway to be aided under the terms of this Agreement, payable in not less than thirty years, with interest at four per cent. (4%) per annum, half-yearly. The total number of miles of railway to be covered by such guaranteed securities shall not exceed six hundred miles in all, unless such mileage be extended under the provisions hereof with regard to construction into the City of Kamloops. Such securities shall be secured by a trust instrument or instruments to trustees, to be approved of by the Government, granting a first mortgage or charge (subject to the exception hereunder) upon the specific lines so to be aided, and upon the car-ferry tolls, incomes, rents, and revenues thereof, and upon the rolling-stock, equipment, and property of the Pacific Company acquired for the purpose of and used in connection with said mortgaged lines and ferry, and upon such of the franchises of the Pacific Company as may be appurtenant thereto. There shall be reserved from the operations of the said trust instrument and securities any and all terminals of the Pacific Company and any and all subsidies which may be granted to the Company. The said trust instrument or instruments, and the mortgage and charge thereby created, and the securities guaranteed, shall be subject to payment of the working expenses of the Pacific Company as defined (so far as applicable) in the "Railway Act" of Canada. The terms of the trust instrument shall be settled between the Government and the Pacific Company, and when so settled, executed, and recorded in accordance with the provisions of the "British Columbia Railway Act," shall, as affecting the rights of any holder of any such guaranteed security (whether pledgee or owner), be deemed a full compliance with and in form and terms authorized by this Agreement and the enabling Act:

Trust deed secur-
ing payment of
guaranteed bonds.

Settlement of
trust deed.

Class of securities
to be guaranteed.

(a.) The class of securities to be issued and guaranteed as aforesaid shall be determined by the Pacific Company before the issue thereof, and the form of guarantee to be given shall be settled between the Company and the Government, and shall be appropriate, regard being had to the nature and class of securities to be issued and guaranteed hereunder:

Exchange of
securities.

(b.) The securities may be of any of the classes mentioned, or partly of several of such classes, and the trust instrument or instruments may contain suitable provision enabling an exchange of securities from one class to another, and the guarantee, in case of such an exchange, of an amount of newly issued securities equal to the amount of previously guaranteed securities then delivered up and cancelled:

Guarantee by
British Columbia.

(c.) The Province of British Columbia shall guarantee the said securities when and as issued, and when so guaranteed securities shall be delivered to the Canadian Bank of Commerce, or such other bank or banks as the Pacific Company and the Government may approve,

to be by the bank delivered on the order of the Pacific Company from time to time to the purchasers or pledgees thereof, upon the moneys realized by sale, pledge, or otherwise of such securities being paid directly by the purchaser, subscriber, pledgee, or lender into the said bank or into the Bank of Scotland, or Lloyds Bank, or such other bank or banks as the case may be and as the Government may approve, to the credit of a special account or accounts, in the name of the Minister of Finance of the Province of British Columbia: Provided that if money be borrowed by the Pacific Company upon pledge or otherwise of any of such securities prior to the sale thereof, and be paid into the credit of such account or accounts as aforesaid, the amount so paid in shall be deducted from the purchase price subsequently received from the securities so borrowed upon, and the balance only shall be paid in: Provided further that securities borrowed upon may, after the loans thereon have been paid or discharged by the Pacific Company, or by deduction from subsequent sale of bonds, be issued or reissued, and shall be secured by the trust indenture or indentures before referred to, and be entitled to the benefit thereof, notwithstanding such loans and payment and discharge:

Disposition of moneys realized from sale or pledge of guaranteed securities.

- (d.) The balances at the credit of the said special account or accounts shall be credited with interest at such times and at such rate as may be agreed upon between the Pacific Company and the bank holding same, and the said balances shall from time to time be transferred to the Pacific Company, or its nominees, in monthly payments, as far as practicable, as the construction of the lines of railway aforesaid is proceeded with to the satisfaction of the Government and according to the specification or standard determined by this contract; and from time to time, as the work of construction proceeds, the Government, by the Minister of Finance, or other duly appointed representative of the Government, shall, out of the said balances, certify to the bank the amount to be transferred from the said account to the credit of the Pacific Company, or its nominees, in monthly payments, as far as practicable, such sums as are justifiable, having regard to the proportion of work done, and material and supplies purchased for the said railway, as compared with the whole work done and to be done thereon, pending completion of the said lines; and the Government shall from time to time, as required, transfer to the Pacific Company any interest earned by the moneys so on deposit in any such bank to assist such Company in paying the interest accruing on any outstanding guaranteed securities hereunder. The balance at the credit of such special account or accounts shall, until paid out as above provided, be deemed part of the premises included in said trust instrument, and shall not be taken to be public moneys received by the Province.

Interest on balances.

10. Should the earnings of the Pacific Company during each or any of the first three years of operation, after completion of the aided lines, be insufficient to pay the operating expenses and interest on the guaranteed securities, the Government shall pay the amount of such deficit of interest to the Pacific Company, or such persons, firms, or corporations as may be entitled thereto. Any moneys so paid by the Government shall be repayable (except as herein-after provided) by the Pacific Company at the maturity of the guaranteed securities, and shall bear interest at four per cent. per annum, which interest the Pacific Company shall pay or cause to be paid half-yearly on the first day of January and the first day of July in each year, but the Pacific Company shall have the privilege of repaying at any time any such moneys, whereupon interest upon the principal repaid shall cease. The Government shall have the

Loan.

privilege of calling in the money so paid by the Government at any time after ten years after the said three-year period, by six months' notice in writing to the Company, whereupon such money, with interest to date, shall become and be payable to the Government. Said notice may be given at any time during the last six months of the ten-year term or thereafter. In the event of the Government making an issue of securities to procure any money to make any such payments, or otherwise borrowing the same, the Pacific Company shall also pay to the Government any loss or expense which the Government shall be put to thereby; but in such event the Government shall take into account any saving of interest by reason of such loan being obtained, or securities issued, bearing interest at a rate less than four per cent.

Ascertaining
deficits.

11. For the purpose of ascertaining any deficits under the preceding paragraph, no salaries paid by the Pacific Company shall be taken as a disbursement except those of such persons as devote their entire services to the Company, or devote some substantial portion thereof to the Company, and in the latter case a fair proportion only of their salaries shall be taken as disbursements.

Audits.

12. The Pacific Company shall keep during the currency of the bonds separate books of account in which shall be correctly set forth in full detail the cost of the said lines, the operating expenses, and the earnings thereof, or such as should be properly credited thereto, and it shall retain and keep during such period all proper vouchers and receipts; and any appointee of the Government shall, at all reasonable times, be permitted to inspect and audit said books and vouchers, the Pacific Company facilitating as far as possible any such audit when so made.

Government
covenants.

13. The Government hereby covenants and agrees with the Northern Company that it will covenant and agree with the Pacific Company in manner following, that is to say:—

Right-of-way.

(a.) To convey to the Pacific Company by a free grant a right-of-way not exceeding one hundred feet in width for the said lines of railway, above described, in so far as the same extends or shall extend through vacant Crown lands of the Province of British Columbia:

Station-grounds.

(b.) To convey to the Pacific Company by a free grant such vacant Crown lands of the Province of British Columbia as may be necessary for sidings, stations, embankments, cuts, bridges, culverts, drains, and other works and approaches thereto, in such locality, area, and shape as the Lieutenant-Governor in Council may deem reasonable and necessary:

Timber grant, etc.

(c.) To license the Pacific Company free of charge to take from any vacant Crown lands of the Province of British Columbia, with the approval of the Chief Commissioner of Lands, all standing timber, gravel, and other material which may be necessary for the construction of the lines of railway aforesaid, and will also permit the Pacific Company to make fills in and upon any vacant Crown lands of the Province of British Columbia:

Townsites.

(d.) To convey to the Pacific Company by a free grant any vacant Crown lands which such Company may desire for the purpose of establishing divisional points or townsites along the aided lines. So far as the acreage belonging to the Government permits, these grants shall consist of one thousand two hundred and eighty acres at each divisional point, and six hundred and forty acres at each other townsite. The lands so to be granted shall be administered under the terms of an appropriate agreement which will be entered into between the Government and the Pacific Company, which agreement shall provide that such of the said lands as are not required for the railway purposes of such Company shall be administered by the Pacific Company as townsites for the joint benefit of the Government

and such Company, in the proportion of two-thirds to such Company and one-third to the Government; and that these townsites, apart from such portions thereof as shall be required for the purposes of the Pacific Company (which portions, as the property of the Company, will come within the railway exemption clause herein), shall be exempt from taxation until sold or occupied:

- (e.) The Pacific Company, and its capital stock, franchises, income, tolls, and all properties and assets which form part of or are used in connection with the operation of its railway, shall, until the first day of July, A.D. 1924, be exempt from all taxation whatsoever, or however imposed, by, with, or under the authority of the Legislature of the Province of British Columbia, or by any municipal or school organization in the Province: Exemption from taxation.
- (f.) To permit the Pacific Company, on terms to be mutually agreed upon, to use the Government bridge at Westminster for the purposes of the operation of its railway; and in the event of such an arrangement being entered into, it shall not be necessary for the Company to construct its line in duplication of the said bridge, but in the event of such arrangement and use, such bridge shall not be considered as guaranteed mileage hereunder: New Westminster Bridge.
- (g.) To guarantee the securities of the Pacific Company in the manner and subject to the provisions herein contained and set forth. Guarantee of securities.
14. If on account of strikes, reasonably unavoidable delays in procuring men, supplies, or other causes for which the Pacific Company or its contractors are not responsible, the work is delayed so that it cannot be completed within the agreed time, the time within which construction is to be completed may be extended by the Lieutenant-Governor in Council. Extension of time for completion.
15. In the event of the Pacific Company acquiring by purchase any section or mileage of any other railway property forming a portion of either of the two projected lines, such acquired section or mileage shall be deemed constructed lines within the meaning and for the purpose of this Agreement and the guarantees hereunder. Purchased mileage to be computed as constructed mileage.
16. In case it should at any time appear desirable that the Pacific Company should make running arrangements with some other company or companies for some portion or portions of the lines hereby agreed to be constructed, or either of them, instead of itself constructing such portion or portions thereof, and that capital expenditure may thereby be avoided without decreasing the efficiency of the lines, the Lieutenant-Governor in Council may consent and agree to such modifications of this contract as will enable the Pacific Company to make such necessary running or other arrangements, but the mileage over which the Company may obtain running arrangements under this paragraph shall not count as mileage for the purpose of the guarantee. Running arrangements.
17. The Northern Company agrees that the Pacific Company will agree that the Pacific Company shall not, and the Northern Company agrees that it will not, at any time apply to be declared a work for the general advantage of Canada. Pacific Company not to apply for advantage to Canada declaration.
18. In the prosecution of any of the works hereunder, or the doing of any of the things by the Company hereby agreed to be done, it should appear that owing to unforeseen engineering difficulties or other circumstances beyond the reasonable control of the Company it will be impossible or impracticable to carry out absolutely the terms of this Agreement, the Lieutenant-Governor in Council for the Province of British Columbia may from time to time authorize amendments hereto, or changes herein, so long as in so doing the spirit of this Agreement be not thereby departed from. Amendment.
19. This Agreement shall not come into effect until ratified by the Legislature of British Columbia, and until the legislation made Schedules hereto shall have been duly enacted by such Legislature. Ratification by Legislature condition precedent.

In witness whereof this Agreement has been duly executed by the parties hereto.

Signed, sealed, and delivered in the presence of—	{	(Sgd.) RICHARD McBRIDE, <i>Minister of Mines.</i> [SEAL.]
(Sgd.) W. J. BOWSER, <i>Attorney-General.</i>		THE CANADIAN NORTHERN RAILWAY COMPANY.
As to Canadian Northern Ry. Co.		(Sgd.) W. MACKENZIE.
(Sgd.) F. H. PHIPPEN.		(Sgd.) R. P. ORMSBY, <i>Acting-Secretary.</i> [SEAL.]

NOTE.—The Schedule referred to in paragraph 1 of the above Agreement is this Act and the Schedule referred to in paragraph 2 of the above Agreement is “An Act to incorporate the Canadian Northern Pacific Railway Company.”

CHAPTER 4.

An Act to incorporate the Canadian Northern Pacific Railway Company.

[10th March, 1910.]

Preamble.

WHEREAS the construction of the railway hereinafter described will be of general benefit to the Province of British Columbia: Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Incorporation.

1. William Mackenzie, president of the Canadian Northern Railway Company; Donald D. Mann, vice-president of the Canadian Northern Railway Company; Roderick J. Mackenzie, contractor; David Blythe Hanna, third vice-president of the Canadian Northern Railway Company; and Andrew D. Davidson, financier, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of “Canadian Northern Pacific Railway Company” (hereafter called “the Company”).

Corporate name.

Head office.

2. The head office of the Company shall be in the City of Victoria, in the Province of British Columbia, but the Company may, by by-law passed at an annual general meeting, determine that meetings of the directors or the shareholders of the Company may be held at any other place in British Columbia, or may, by by-law as aforesaid, change the head office from the City of Victoria aforesaid to such other place within British Columbia as may be specified in such by-law.

3. The Company may lay out, construct, and operate railway-lines of the gauge of four feet eight and one-half inches within the Province of British Columbia, as follows:—

Lines of railway that may be constructed.

- (a.) A line connecting with the main line of the Canadian Northern Railway Company at some point at or within the eastern boundary of the Province of British Columbia; thence through the Province, through the City of New Westminster to a point in the City of Vancouver, and also to a point at or near English Bluff, south of the Fraser River, a distance of approximately five hundred miles; such line of railway to be constructed from the point on the eastern boundary aforesaid, via the Yellowhead Pass, the North Thompson River, the South Thompson River, and the Fraser River, to the termini aforesaid:
- (b.) From a point in the City of Victoria to a point on or near Barkley Sound, on the Island of Vancouver, a distance of approximately one hundred miles:
- (c.) Such other lines within the Province as may be from time to time authorized by order of the Lieutenant-Governor in Council.

4. The Company is hereby authorized and empowered to construct, maintain, and operate a system of telegraph-lines within the Province of British Columbia, and to transact and carry on a commercial business thereon.

Telegraph-lines.

5. The Company is hereby authorized and empowered to construct, maintain, and operate a system of telephone-lines along any of its lines of railway, and to transact and carry on a commercial business thereon.

Telephone-lines.

6. The Company is hereby authorized and empowered to engage in and carry on express business within the said Province.

Express business.

7. The Company is hereby authorized and empowered to own, lease, operate, manage, and control steamships, steam-ferries, and other boats and vessels, and to operate and use the same in connection with its business.

Steamships and steam-ferries.

8. The Company is hereby authorized and empowered to purchase, build, erect, equip, maintain, use, and operate wharves, docks, slips, warehouses, elevators, and storehouses, with their appurtenances, and to carry on a general wharfing, elevator, warehouse, and storehouse business in connection therewith.

Wharves, docks, warehouses, etc.

9. The Company is hereby authorized and empowered to purchase, acquire, lease, open up, and operate coal-measures and coal-mines within the Province of British Columbia, and to acquire all necessary and convenient lands in connection therewith.

Coal-mines.

Purchase of stock
in other companies.

10. The Company is hereby authorized and empowered to purchase stock, shares, debentures, bonds, and securities of other railway and traction companies, hydraulic, electric, irrigation, and other companies, and to hold, sell, and dispose of the same.

Promotion of
companies.

11. The Company shall have power to promote any other company or incorporation or association of persons for any purposes which may seem, directly or indirectly, calculated to benefit the Company, and for that purpose to obtain any Act of Parliament which may seem expedient, and to oppose any proceedings or application which may seem calculated, directly or indirectly, to prejudice the Company's interests.

Purchase of
railways.

12. The Company shall have the power of purchasing lines of railway already constructed or which may hereafter be constructed, and all branch lines in connection therewith, with the rights and privileges appertaining thereto, all within the Province.

Running
arrangements.

13. The Company shall have power to acquire by purchase, or to lease, or to make running arrangements with any railway-lines in the Province of British Columbia.

Lease or
sale of lines.

14. The Company is authorized to enter into arrangements for and complete the lease or sale of the lines and property of the Company to any other company, subject, however, to approval of the Lieutenant-Governor in Council being first obtained to such lease or sale.

Guaranty.

15. The Company may from time to time guarantee, in whole or in part, the payments of the principal or interest, or both, of the bonds, debentures, or other securities of any railway company or any transportation, navigation, telegraph, express, hotel, or other company authorized to carry on any business incidental to the working of a railway, or to any business which the Company is authorized to carry on: Provided that the terms of the agreement respecting such guarantee have been approved by resolution of the shareholders of the Company, passed by not less than two-thirds in value of those present or represented by proxy at a special meeting called for the purpose:

(a.) The form and manner of guarantee shall be such as the Board of Directors of the Company approves of, and it shall be signed by such officer or officers as are designated by the Board to sign it; and upon its being so signed and delivered, the Company shall become liable to the holders for the time being of the securities guaranteed according to the tenor of the guarantee.

Bonuses.

16. The Company may receive, either from any Government or from any persons or bodies corporate or politic authorized to grant

the same, bonuses, lands, loans, gifts, moneys, or securities for money, howsoever granted, in aid of the construction, equipment, and maintenance of the said railway, and may use, hypothecate, obtain advances on, lease, work, sell, or dispose thereof, except in so far as prevented from so doing by the terms of the bonus, gift, or grant.

17. The several clauses of the "British Columbia Railway Act" shall be incorporated with and deemed to be part of this Act, and shall apply to the Company and to the railway to be constructed by it, except so far as they may be inconsistent with the enactments hereof, and except in so far as they may be inconsistent with the provisions of the Agreement dated the seventeenth day of January, A.D. 1910, made between His Majesty the King, represented by the Honourable Richard McBride, Minister of Mines for the Province of British Columbia, of the one part, and the Canadian Northern Railway Company of the other part, and except also the provisions of section 44, subsection (4), and of subsections (8), (9), and (10) of section 31, and of section 76 and subsection (3) of section 78 of the said Act; and the expression "this Act," when used herein, shall be understood to include the clauses of the said "Railway Act," except as aforesaid; but where any conflict arises between the two Acts, the terms of this Act shall govern.

Application of
"British Columbia
Railway Act."

18. The capital stock of the Company shall be twenty-five million dollars (\$25,000,000), divided into two hundred and fifty thousand shares of one hundred dollars (\$100) each.

Capital stock.

19. The directors of the Company may, by by-law, provide that any portion of such capital stock, not exceeding ten million dollars (\$10,000,000), shall be issued as preferred stock, and may, by by-law as aforesaid, determine the nature and character of the preference to be given to such preferred stock, and the rate or rates of interest to be paid in connection therewith, and otherwise such matters and things as may be necessary to enable the Company to issue such portion of its capital stock as preferred stock of the Company.

Preferred stock.

20. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the Company, of whom three shall form a quorum for the transaction of business, and they shall hold office as such until other directors are elected under this Act, and shall have power forthwith to open stock-books and to procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect of their stock, and to sue for and recover the same, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same for the purpose of the undertaking.

Provisional
directors.

Application of
moneys raised
upon stock.

21. The money raised upon the capital stock of the Company shall be applied in the first place to the payment of all fees, expenses, and disbursements in connection with the incorporation of the Company, and for making surveys, plans, and estimates, or purchasing those already made, connected with the works hereby authorized, and the remainder of such moneys shall be applied to the making, equipping, and maintaining of the said railway and other purposes of this Act.

First meeting of
shareholders.

22. (1.) So soon as one hundred thousand dollars of the capital stock shall have been subscribed and allotted, and ten per cent. of this amount shall have been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the subscribers to the said capital stock, to be held at such place as the provisional directors may determine and at such time as they shall think proper, for the purpose of electing directors of the said Company, passing by-laws, and transacting other business. The said provisional directors shall call such meeting by giving at least two weeks' previous notice of such meeting, by a circular addressed by mail or delivered to each subscriber, stating the time, place, and purpose of said meeting: Provided that any subscriber may, by instrument in writing, waive any such notice, or such meeting may be held without notice if all of the subscribers are present either in person or by proxy.

Election of
directors.

(2.) At such meeting the subscribing shareholders may choose not less than five or more than twelve persons to be the directors of the Company, and who shall hold office until their successors are elected. Such shareholders may also at such meeting pass rules, regulations, and by-laws not inconsistent with this Act.

First annual
general meeting.

23. The first annual general meeting of the Company shall be held at such time as the directors of the Company may determine, and all subsequent annual meetings shall be held at such time and at such place as may be prescribed by the by-laws of the Company; and if no other time and place is prescribed, or if the time for holding any such meeting in any year should pass without such meeting being duly assembled, the directors are empowered to fix a time and place for holding same. A Board of not less than five and not more than twelve directors, as determined by the by-laws of the Company (which by-laws may also determine the number of directors who shall form a quorum for the transaction of business), shall be elected at such annual meeting for the management of the Company's business. The by-laws of the Company may prescribe other times, places, and means for electing directors of the Company.

Special general meet-
ings of shareholders.

24. Special general meetings of the shareholders of the Company may be held at such places in the City of Victoria, or elsewhere, and at such time and in such manner and for such purposes as may be provided for by the by-laws of the Company.

25. In the election of directors under this Act, and in the trans-
 action of all business at general shareholders' meetings, each share-
 holder shall be entitled to one vote, either in person or by proxy, for
 each share of which he is the registered holder and upon which all
 calls have been paid. One share, one vote.

26. All persons, whether British subjects or aliens, or residents
 of Canada or elsewhere, shall have equal rights to hold stock in the
 Company and to vote on the same, and shall be eligible to hold office
 as directors or officers in the Company. Who may hold
stock.

27. Any director may appoint another director to be his proxy
 and to vote for him at any meeting of the Board, and such appointed
 director shall have the right to vote on such proxy as well as in his
 individual quality as director, and in determining if a quorum of
 directors is present at any such meeting, each director represented
 by proxy shall be deemed to be personally present. The appoint-
 ment may be as follows, or to a like effect:— Directors' proxies.

I appoint _____, of the _____ of _____, in the _____ of _____,
 one of the _____ directors of the "Canadian Northern Pacific Rail-
 way Company," to be my proxy as a director of that Company, and
 as such proxy to vote for me at all meetings of the directors of that
 Company, and generally to do all that I could do myself as such
 director if personally present at such meeting.

Dated this _____ day of _____, A.D. 19 _____.

(Signature.)

28. The directors of the Company, under the authority of the
 shareholders to them given by a resolution of the annual meeting
 or of a special general meeting called for that purpose, are hereby
 authorized to issue bonds, debentures, debenture stock, or other
 securities under the seal of the Company, signed by its president
 or other presiding officer, which signature may be engraved, litho-
 graphed, or printed if so authorized by by-law, and countersigned by
 its secretary or treasurer or other authorized official, and such bonds,
 debentures, debenture stock, or other securities shall be made payable
 at such times and in such manner and in such place or places in
 Canada or elsewhere, and bearing interest at such rate not exceeding
 six per cent. per annum, as the directors shall think proper, and the
 directors shall have power to issue and sell or pledge all or any of
 the said bonds, debentures, debenture stock, or other securities at the
 best price and upon the best terms and conditions that at the time
 they may be able to obtain for the purpose of raising money for
 prosecuting the undertaking of the Company: Provided that the
 amount of such bonds, debentures, debenture stock, or other securities
 shall not exceed sixty thousand dollars (\$60,000) per mile of the said
 railway hereby or hereafter authorized to be built, to be issued in
 proportion to the length of railway to be constructed; but notwith-
 standing anything in this Act contained the Company may secure Borrowing-powers.

the bonds, debentures, debenture stock, or other securities to be issued by them by a mortgage deed creating such mortgages, charges, and encumbrances upon the whole or any part of such property, assets, rents, and revenues of the Company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway, and by the said deed the Company may grant to the trustee or trustees named all the rights, powers, immunities, franchises, and property of the Company, including its corporate franchise and all and every the powers and remedies granted by this Act, in respect of the said bonds, debentures, debenture stock, or other securities and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders, debenture-holders, debenture-stock or other security holders in the exercise of any powers, privilege, or remedy granted by this Act, as the case may be, and all such powers, rights, and remedies not inconsistent with this Act as shall be so contained in such mortgage deed shall be valid and binding and available to the bondholders, debenture-holders, debenture-stock and other security holders in manner and as therein provided. "Other securities," as used in this paragraph, shall not be construed to include preferred or common stock of the Company.

Terminal securities.

29. In addition to the foregoing securities, the directors of the Company may, upon like authority, issue securities for the purpose of acquiring, constructing, or obtaining any necessary or convenient terminals or terminal properties, elevators and warehouses, steamers, vessels, docks and wharves, townsites, coal-mines, and other properties, and may charge such securities or some of them upon said properties or some of them, as may be provided in any trust deed issued in connection therewith.

Bondholders need not inquire as to legality of Company's proceedings.

30. It shall not be necessary for a holder of any bonds, debentures, debenture stock, or other securities, purporting to be issued by the Company, to inquire into the legality of the incorporation or organization of the Company, but the issue of any such bonds, debentures, debenture stock, or other securities by or on behalf of the Company shall be conclusive evidence in all Courts and otherwise that the Company has been duly incorporated and organized, and was at the time of the issue of such bonds, debentures, debenture stock, or other securities duly authorized and empowered to issue the same.

Payment by issue of paid-up stock.

31. The provisional directors or the elected directors may pay or agree to pay in paid-up stock, or in bonds or debentures of the Company, such sums as they may deem expedient to engineers or contractors, or for right-of-way or material, plant, or rolling-stock. Any stock issued as paid up in respect of any of the matter aforesaid shall be fully paid-up capital stock of the Company.

32. Whenever it shall be necessary for the purpose of procuring Expropriation. sufficient lands for terminals, stations, or gravel-pits, or for constructing, maintaining, or using the said railway, also for any other purpose connected with the said railway, or for opening a street to any station from any existing highway, the said Company may expropriate, purchase, hold, use, and enjoy such lands and also the right-of-way thereto, if the same be separated from the railway, and may sell and convey the same or parts thereof from time to time as they may deem expedient, and may also make use of and dam for the purpose of said railway the water or any stream or watercourse over or near which the said railway passes, not being navigable waters, doing, however, no unnecessary damage thereto and not impairing the usefulness of such stream and watercourse. The arbitration provisions of the "British Columbia Railway Act" shall apply in all instances where property is sought to be taken under or where damage is claimed to have been done by the Company within the provisions of this paragraph.

33. The directors shall have full power to make and prescribe By-laws of directors. such by-laws and rules and regulations as they shall deem needful and proper, touching the subscription calls and management of the property, estate, and effects of the Company, the transfer of shares, the duties and conduct of their officers and servants, touching the election and meeting of the directors and all matters whatsoever which may appertain to the concerns of the Company; and the said Board of Directors shall have full power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the objects of the Company, and do all acts and things touching the acquisition, location and construction, maintenance and operation of said railway, telegraph and telephone lines, express, steamship, ferry, and other affairs which the Company is authorized to carry on.

34. The Company shall have power to purchase, hold, lease, or sell Land. land for any of the purposes of the Company, and for the purposes of townsites, parks, and pleasure-grounds, and to lay out and survey the same.

35. The Company may become party to promissory notes and bills Promissory notes and bills of exchange. of exchange for sums not less than one hundred dollars, and in no case shall it be necessary to have the seal of the Company affixed to such promissory notes or bills of exchange; but nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

36. Any property hereafter required by the Company for right-of- Deposit of map of right-of-way to operate as reserve of land from location, etc., under "Mineral Act," etc. way, terminals, station-grounds, or other railway purposes shall,

from the date of the deposit of any map, plan, or book of reference in accordance with the provisions of the "British Columbia Railway Act," showing that such property is required as aforesaid, be reserved from location or alienation under the "Mineral Act," "Placer-mining Act," or "Coal-mines Act," so long as any such property shall be required for the purposes aforesaid.

Amalgamation.

37. The said Company may amalgamate, with the consent of the Lieutenant-Governor in Council, with the Canadian Northern Railway Company or such other company as may be approved as aforesaid. Any such amalgamation may be by deed, which, however, shall not have any force or effect until it shall have been submitted to and approved of by two-thirds of the votes of the shareholders of each company party thereto at an annual meeting or at a special general meeting of each company duly called for the purpose thereof, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy, and the amalgamating companies shall thereafter form one company under the name agreed upon and set forth in said deed.

Effect of
amalgamation.

38. Upon any agreement for amalgamation being approved as aforesaid, the companies parties to such agreement shall, subject to the provisions of this Act and the Act of the other amalgamating company, and any other legislation governing the matter, be deemed to be amalgamated and shall form one company under the name and upon the terms and conditions in such agreement provided, and the amalgamated company shall possess and be vested with all the railways and undertakings and all other powers, rights, privileges, franchises, assets, effects, and properties, real, personal, and mixed, belonging to, possessed by, or vested in the companies parties to such agreement, or to which they or either of them may be or become entitled, and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties to as full an extent as any or either of such companies was at or before the time when the amalgamation agreement came into effect.

CHAPTER 13.

An Act to amend the "Dyking Assessments Adjustment Act, 1905." 1905, c. 20.

[10th March, 1910.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Dyking Assessments Adjustment Act, 1905, Amendment Act, 1910." Short title.

2. Section 4 of chapter 15 of the Statutes of 1907, being the "Dyking Assessments Adjustment Act, 1905, Amendment Act, 1907," is hereby amended by striking out the figures "\$17,070" in the fourth line thereof, and by substituting therefor the figures "\$17,815.32"; and by striking out the figures "\$17,798" in the fifth line thereof, and by substituting therefor the figures "\$17,052.68." Amends s. 4 of c. 15 of 1907. Corrects clerical error.

3. Schedules A, B, C, and D to chapter 20 of the Statutes of 1905, as re-enacted by section 10 of said chapter 15, are hereby repealed and re-enacted in the form in which they originally appeared in said chapter 20. Re-enacts Schedules A, B, C, and D.

4. Section 10 of chapter 20 of the Statutes of 1905 is hereby repealed. Repeals s. 10 of c. 20.

5. Subsection (1) of section 14 of said chapter 20 is hereby repealed, and the following subsection is substituted therefor:— Re-enacts subsec. (1) of s. 14.

"14. (1.) The Inspector of Dykes shall, on or before the first day of November in each year, prepare and file in the Land Registry Office for the district in which the lands affected are situated an assessment roll for each district, made in accordance with the form in Schedule E hereto, for the Coquitlam, Pitt Meadows, Matsqui, and Chilliwack Districts, and in the form in Schedule F hereto for the Maple Ridge District; and each such assessment roll shall be a combined revised assessment roll for capital charge and assessment roll for costs of operating, maintaining, repairing, and managing the dyking-works in said districts, and shall state the particulars set out in the above-mentioned forms." Annual assessment roll for capital charge and maintenance.

6. Forms E and G to said section 20, as amended by sections 11 and 12 of said chapter 15, and Schedules F and H to said chapter 20, as re-enacted by section 10 of said chapter 15, are hereby repealed, and the Schedules attached hereto, E, F, G, and H, are substituted therefor. Re-enacts Schedules E, F, G, and H.

SCHEDULE E.

(Assessment Roll.)

.....DYKING DISTRICT.

REVISED ASSESSMENT ROLL for the Year 19 , and the MAINTENANCE ASSESSMENT ROLL of the above Dyking District for the Year ending 30th September, 19 .

Assessable acreage.....	.....
Capital charge.....	\$.....

Assessment on Capital Charge.

Sinking fund, 1½ per cent.....	\$.....
Interest, 3½ per cent.....	.....

Total annual assessment.....	\$.....
Rate per acre.....	\$.....

Cost of maintenance for the twelve months ending 30th September, 19 ,
as follows:—

Total assessment for maintenance.....	\$.....
Rate per acre.....	\$.....

The above assessments shall be payable on the 31st day of December, 19 ,
at the office of the Inspector of Dykes, , B.C.

Inspector of Dykes.

[illegible]

SCHEDULE F.

(Assessment Roll.)

MAPLE RIDGE DYKING DISTRICT.

REVISED ASSESSMENT ROLL for the Year 19 , and the MAINTENANCE ASSESSMENT ROLL of the above Dyking District for the Year ending 30th September, 19 .

Assessable acreage.....	.....
Capital charge on high land.....	\$.....
Capital charge on low land.....	.....
Total capital charge.....	\$.....

Assessment on Capital Charge.

Sinking fund, 1½ per cent.....	\$.....
Interest, 3½ per cent.....	.....
Total annual assessment.....	\$.....
Rate per acre on high land.....	\$.....
Rate per acre on low land.....	\$.....

Cost of maintenance for the twelve months ending 30th September, 19 ,
as follows:—

Total assessment for maintenance.....	\$.....
Rate per acre on high land.....	\$.....
Rate per acre on low land.....	\$.....

The above assessments shall be payable on the 31st day of December, 19 ,
at the office of the Inspector of Dykes, , B.C.

.....
Inspector of Dykes.

[illegible]

(Assessment Notice.)

.....DYKING DISTRICT.

[illegible]

.....

To

CHAPTER 17.

An Act to ratify an Agreement between His Majesty the King and the Esquimalt and Nanaimo Railway Company, bearing Date the Twenty-first Day of October, 1909.

[10th March, 1910.]

WHEREAS the Esquimalt and Nanaimo Railway Company (hereinafter referred to as "the Company") have claimed compensation in respect of the lands granted under the provisions of the "Vancouver Island Settlers' Rights Act, 1904": Preamble.

And whereas the amount of such compensation has been settled between His Majesty the King, in the rights of his Province of British Columbia, and the Company by an Agreement dated the twenty-first day of October, 1909, a copy of which forms the Schedule to this Act:

And whereas it is expedient to ratify the said Agreement and to make provision for the issuance of the Crown grants in such agreement referred to:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Vancouver Island Settlers' Rights Agreement Ratification Act." Short title.

2. The Agreement, a copy of which forms the Schedule to this Act, is hereby ratified and confirmed and declared to be legal and binding upon His Majesty the King and the Company. Ratification of Agreement.

3. From time to time, upon the application of the Company and upon compliance by them with the terms of the said Agreement, Crown grants shall issue to the Company of the twenty thousand (20,000) acres of land at the times and in the manner referred to in the said Agreement. The said Crown grants, when issued, shall be so worded as to convey and shall be deemed to convey to the Company, their successors and assigns, the lands referred to in the said Agreement, and all timber, coal, coal-oil, stone, clay, marble, slate, mines, ores (except gold and silver), minerals, and substances whatsoever thereupon, therein, and thereunder. Crown grants.

4. The said lands, when so granted, shall not be subject to taxation for the period of ten (10) years from the date of the issuance of such Crown grants as aforesaid. Exemption from taxation.

Reservation of foreshore and coal.

5. The reservation of the foreshore and coal referred to in paragraph 11 of said Agreement is ratified and confirmed.

Crown grants of foreshore and coal under sea.

6. Subject to existing rights, upon the application of the Company, Crown grants shall from time to time be issued to them of the foreshore mentioned in paragraph 12 of the said Agreement, and the coal under the sea opposite such foreshore. The said grants shall be issued to the Company free from any expense by way of purchase-money or otherwise, and shall vest absolutely in the Company the said foreshore and the said coal under the sea opposite such foreshore.

Licences to prospect for coal not to issue in respect of lands embraced in Agreement.

7. No licences to prospect for coal, save as aforesaid, shall hereafter be issued to persons other than the Company in respect of any of the said coal lands.

SCHEDULE.

THIS INDENTURE OF AGREEMENT, made this twenty-first day of October, in the year of our Lord one thousand nine hundred and nine,

Between,

HIS MAJESTY THE KING in the right of his Province of British Columbia, herein represented and acting by the Honourable Frederick John Fulton, Chief Commissioner of Lands of the said Province (hereinafter referred to as "the Province"), of the first part;

and

THE ESQUIMALT AND NANAIMO RAILWAY COMPANY (hereinafter called "the Company") of the second part.

Whereas it has been agreed by the parties hereto that the Company shall receive grants of land in lieu of the lands that have been granted under the provisions of the "Vancouver Island Settlers' Rights Act, 1904," and shall discontinue all actions and other proceedings arising out of said grants, and shall also make to such grantees deeds quit-claiming all the estate, right, title, and claim of the Company in or to said lands:

Now, therefore, this Indenture witnesseth that the parties hereto agree with each other as follows:—

1. The Company, or its assigns, may within the period of three (3) years from the date of the confirmation of this Agreement by an Act of the Legislature, as hereinafter set out, select and locate twenty thousand (20,000) acres of unoccupied and unreserved Crown lands, situate on Vancouver Island.

2. The said lands shall be selected and located by the Company in rectangular blocks. Where any block is in whole or in part bounded by any lake, river, or salt-water, or by lands previously acquired or surveyed, such lake, river, or salt-water or such acquired or surveyed lands may be adopted as the boundary of such block. No blocks shall contain less than six hundred and forty (640) acres, but the Company may include within the limits of any block selected by them a greater quantity of land so long as the said block does not contain more than twenty thousand (20,000) acres, and so long as the land comprised therein is located in a rectangular shape, with no boundary-lines less than eighty (80) chains in length.

3. As soon as the Company have selected a block of land under this Agreement, they shall place on one or more conspicuous places on the land, as the nature of the case may require, a post not less than four (4) feet above the ground, upon which post shall be inscribed a statement of the quantity of land selected and of the courses and distances of the boundary-lines of the said location.

4. The Company shall also, within a reasonable time after such selection, cause the said block or blocks so selected to be surveyed, and shall return the field-notes and plans of survey to the Department of Lands.

5. Upon the completion of said surveys and deposit of the plans and field-notes as aforesaid, the Company shall cause an advertisement to be published in the British Columbia Gazette and in some newspaper circulating in the district, containing a notice that the Company will, within thirty (30) days from the date of said publication, apply for a Crown grant of said lands under the provisions of this Agreement and any Statute which may hereafter be passed confirming the same.

6. During the said period of thirty (30) days, but not afterwards, any person having or claiming any right to any of the lands so selected may protest against the issuance of said Crown grant to the Company, and in case any such protest is filed the Chief Commissioner of Lands shall adjudicate upon the same, and shall decide whether or not the lands, or any part thereof, so selected by the Company were at the time of such selection unoccupied or unalienated Crown lands or lands not then held under lease, licence, pre-emption, or application to purchase under the "Land Act."

7. At the expiration of said thirty (30) days, if no protest is filed, or within such period after said thirty (30) days as the said Commissioner shall, after adjudication upon any protest which may have been filed, decide that the lands so selected by the Company are unalienated and unoccupied within the meaning of the last preceding section of this Agreement, a Crown grant of such lands shall issue to the Company, or its assigns, free of all charges; and the said Crown grant shall be so worded as to convey and shall be deemed to convey to the Company and its assigns the said lands and all timber, coal, coal-oil, stone, clay, marble, slate, mines, ores (except gold and silver), minerals, and substances whatsoever thereupon, therein, and thereunder.

8. Notwithstanding the foregoing provisions, the Company may at their option select lands already held or claimed by other persons under the provisions of any Statute in that behalf, upon arranging for the surrender to the Company of the rights of such other persons in such lands or any of them, and any lands so selected shall be deemed to have been acquired by the Company under the provisions of this Agreement, and the grant to the Company of said lands shall convey all the rights and title mentioned in section 7 hereof.

9. All lands granted to the Company under this Agreement shall not be subject to taxation for a period of ten (10) years from the date of issuance of said Crown grants as aforesaid.

10. In case a protest shall be filed against any selection made by the Company, and the Commissioner upon hearing of said protest shall adjudicate that the lands so selected, or any part thereof, have been alienated prior to the said selection by the said Company, or are not open to location under the terms of section 6 aforesaid, then the Company may from time to time, within a reasonable period not exceeding one (1) year of such adjudication, select from other lands of the character described in section 6 aforesaid a sufficient quantity to make up such deficiency, and so on from time to time until the full amount of twenty thousand (20,000) acres shall have been selected by the Company; and, if necessary, the said period of three (3) years shall be extended for a reasonable time in order to enable the Company to make and complete its selection as aforesaid.

11. It is further agreed that, in addition to the lands mentioned in the preceding sections of this Agreement, the Province shall forthwith reserve the foreshore and all coal under the sea opposite the foreshore in Nelson and Newcastle Districts, as shown on the plan attached hereto and thereon coloured red, subject to any existing rights therein.

12. The Province shall, in due course, upon application by the Company, grant to the Company such parts of the foreshore and the coal underlying the sea opposite such foreshore as are now the property of the Crown, not, however, extending more than one (1) mile from such foreshore, and shall, as and when any existing rights to any parts of the said foreshore or to the coal under the sea opposite such foreshore fall in, issue grants to the Company of such parts of the said foreshore and the said coal under the sea opposite the said foreshore, such grants not to extend more than one (1) mile from the foreshore as aforesaid. The said grants shall be issued to the Company free from any expense by way of purchase-money or otherwise, and the lands and coal so granted are to be considered a part of the consideration for this Agreement.

13. For the consideration aforesaid, the Company shall forthwith after the execution of this Agreement discontinue, without costs, all actions or other proceedings with regard to lands which have been granted by the Crown purporting to act under the "Vancouver Island Settlers' Rights Act, 1904," which are particularly mentioned in the Schedule hereunto annexed; and the Company further agrees that it will not commence any actions or other proceedings in regard to the title to any of such lands mentioned in said Schedule; and the Company further agrees to execute a quit-claim deed to the persons mentioned in the said Schedule in respect of each of the parcels of land therein described, the said quit-claim deed to contain a release on the part of the Company of all its rights in the said lands.

14. The Province hereby undertakes to have this Agreement ratified by the Legislature of the Province of British Columbia.

In witness whereof the said Frederick John Fulton has hereunto set his hand and seal and the common seal of the Company has been affixed the day and year first above written.

Signed and sealed by His Majesty the
King in right of his Province of British
Columbia, herein represented and act-
ing by the Honourable Frederick John
Fulton, Chief Commissioner of Lands
for said Province, in the presence of—
W. J. BOWSER.

FRED. J. FULTON.

[SEAL.]

The common seal of the Esquimalt and
Nanaimo Railway Company was here-
unto affixed in the presence of—
W. F. SALSBUURY,

Secretary.

ESQUIMALT AND NANAIMO
RAILWAY COMPANY.
R. MARPOLE,
Vice-President.

[SEAL.]

THE SCHEDULE HEREINBEFORE REFERRED TO.

LIST OF CROWN GRANTS issued under the provisions of the "Vancouver Island Settlers' Rights Act, 1903."

Name.	District.	Description.	Date of Crown Grant.
Estate of Isabella Bates, Hy. Wilkin-son, Executor ...	Cranberry..	Section 14, Range 8, and the west fractional part of Section 15, Range 8	Nov. 23, 1905.
Sarah Jane Barnes ..	Wellington..	Lot 254	March 24, 1906.
Thomas Cassidy ...	Cranberry..	Section 2 and east 30 chains of Section 3, Range 8	April 8, 1905.
Frank Chapman ...	Shawnigan.	Part of Fractional Section 5, Range 10	Nov. 23, 1905.
Daniel W. Cochran..	Cedar.....	Section 17, Range 2	May 14, 1906.
Patrick Dolan	Cedar.....	Fractional Section 6, and east portion of Section 5, Range 2 ..	October 24, 1905.
Isaac Emblem	Cranberry..	Section 8, Range 8	June 26, 1905.
Isaac Emblem	Cedar.....	60 acres of Sections 8 and 9, Range 2	June 26, 1905.
Edward Evans	Cranberry..	East portion of Section 11, Range 4; west portion of Section 11, Range 5	July 15, 1905.
Elizabeth Fiddick ..	Cranberry..	East 37 chains of Section 15, Range 5, and Sections 14 and 15, Range 6	April 8, 1905.
David Hoggan	Nanaimo...	Blocks 2 and 3, Addition 4, New- castle Town, being Subdivisions of Lot 96G	Feb. 14, 1905.
David Hoggan	Nanaimo...	Part of Lot 96G	May 18, 1904.
Archibald Hamilton ..	Newcastle..	Section 3	April 8, 1905.
Styrie B. Hamilton..	Newcastle..	Section 4	April 8, 1905.
John Hemer	Cedar.....	Fractional Section 12, and that portion of Section 13 lying west of lake, Range 3; and east 50 chains, Section 13, Range 2 ..	April 8, 1905.
William M. Hilbert.	Cedar.....	Section 6, Range 1, and west 40 acres, Section 5, Range 2	April 8, 1905.
John Hill	Cedar.....	Section 4, Range 2, and coal under east 40 acres of Section 3, Range 2	Dec. 2, 1905.
Samuel Jones	Cedar.....	East 74 acres of Section 3, Range 1, and west 60 acres of Section 3, Range 2, and coal under west 26 acres of Section 3, Range 1 ..	Nov. 23, 1905.
William Jack	Wellington..	Lot 27G	March 24, 1906.
George McGregor ..	Oyster.....	Section 7G	May 31, 1904.
Laurence Manson ..	Cranberry..	Section 11, and east 30 chains of Section 10, Range 8	April 8, 1905.
James Malpass	Cranberry..	Section 13, Range 8	April 8, 1905.
Annie McDonald ...	Cranberry..	South ½ of Section 17, Range 8 ..	June 16, 1905.
Andrew McKinnell..	Cedar.....	Section 13, and west portion, 60 acres, of Section 12, Range 1 ..	April 8, 1905.
Rowland Malpass ..	Wellington..	Lot 24G	August 29, 1907.
Elizabeth Nicholson..	Newcastle..	Lot 7G	March 24, 1906.
William Noye	Wellington..	Lot 23G	May 14, 1906.
James Paterson ...	Cranberry..	Section 1, Range 8	April 8, 1905.
James Paterson ...	Bright.....	East 30 chains of Section 20, Range 8	April 8, 1905.
Edward Quennell ..	Cedar.....	East portion of Section 5 and east portion of Section 6, Range 3; north-west portion of Section 4; west portion of Section 5; west portion of Section 6; and west portion of Section 7, Range 4	July 15, 1905.
Mary Ann Rowe ...	Cranberry..	East 60 acres of Section 12, Range 8	April 8, 1905.
Alois Styger	Cedar.....	Section 7, and east 60 acres of Sec. 8, Range 1	April 8, 1905.
George Vipond, the Elder	Wellington..	Lot 22G	March 24, 1906.
Samuel Waddington ..	Nanaimo...	Lot 97G	April 8, 1905.
Franck Dounton ...	Wellington..	Lot 34G	August 29, 1907.
Henry S. Hollings ..	Shawnigan.	Section 5 and east 60 acres of Section 6, Range 8	August 29, 1907.
William Hoggan ...	Nanaimo...	Lot 96B	March 12, 1909.
William Hoggan ...	Nanaimo...	Lot 96A	June 5, 1909.
Alexander Stewart ..	Cedar.....	Section 4, Range 1	April 8, 1905.
Alexander Stewart ..	Cranberry..	Easterly 30 chains of Section 4, Range 8	April 8, 1905.

APPLICATIONS SUBJECT TO FUTURE ADJUSTMENT.

Name.	District.	Description.	Date of Crown Grant.
George Taylor	Cedar.....	Section 14, Range 1, and west 60 acres of Section 14, Range 2, 160 acres .....	.....
J. Frederickson	Oyster.....	North portion of Section 4, 145 acres .....	.....
Estate of J. T. O'Brien.....	Bright.....	South portion of Section 4, 155 acres .....	.....
Adolf Gatz	Wellington..	Section 14 .....	.....
Annie McDonald ...	Cedar.....	Section 15, Range 2, and west part of Section 16, Range 2, 140 acres .....	.....

APPLICATIONS STILL PENDING, but with reference to which it has been arranged between the parties to the foregoing Agreement that Crown grants shall not issue, nor shall the Company be called upon to execute quit-claims to the applicants until it has been established, after notice to the Company, that said applicants are persons entitled to grants under the "Vancouver Island Settlers' Rights Act, 1904," and that they have each complied in all respects with the terms of the said Act.

Name.	District.	Description.	Date of Crown Grant.
Amos Godfrey	Wellington..	Lot 16, 62 acres .....	.....
John Marwick	Cranberry..	North part of Section 17, Range 8, 50 acres .....	.....
James Dugan	"	Section 18, Range 5, 100 acres; west ½ Section 19, Range 2, 50 acres; west ½ Section 18, Range 6, 50 acres; east ½ Section 17, Range 6, 50 acres; east ½ Section 17, Range 5, 50 acres; 300 acres in all .....	.....
J. Jos. Dougan	Shawnigan..	West ½ Section 17, Range 6; Section 16, Range 5; 150 acres .....	.....
Ephriam Hodgson..	Newcastle Townsite.	Unsurveyed land .....	.....
George Graham	Cedar.....	Part of Sections 4 and 5, Range 5; 100 acres .....	.....
Charles Donner	Wellington..	Part of Lot 35; 45 acres .....	.....
J. S. Peterson	Nanoose....	West ½ of Lot 54; 95 acres .....	.....
W. McP. Wilson ...	Shawnigan..	East part of Section 15, Range 7, and Section 15, Range 8; 160 acres .....	.....
George Taylor	Oyster.....	Lot 9; 160 acres .....	.....
Arthur Nightingale..	Shawnigan..	Section 9 and west part Section 10, Range 8; 160 acres .....	.....
Emanuel Jack	Nanoose....	Lot 54 .....	.....
Henry Percy	Comox.....	Lot 111 .....	.....
E. J. Eaton	Shawnigan..	Part of Section 7, Range 8 .....	.....
W. H. Wall	Nanoose....	Lot 22 .....	.....
W. Hinksman	Nanoose....	East ½ of Lot 54 .....	.....
James Dougan, Jr..	Shawnigan..	East part of Section 18, and east part of Section 17, Range 7; 160 acres .....	.....
Estate of James Harvey	Newcastle..	Unsurveyed land .....	.....
P. Brodl	Newcastle..	" .....	.....

CHAPTER 26.

An Act to ratify an Agreement bearing Date the Twenty-eighth Day of February, 1910, between His Majesty the King and the Kettle River Valley Railway Company.

[10th March, 1910.]

WHEREAS an Agreement was entered into on the twenty-eighth day of February, 1910, between His Majesty the King in the right of his Province of British Columbia, therein represented and acting by the Honourable Richard McBride, Minister of Mines, and the Kettle River Valley Railway Company (hereinafter called "the Railway Company"), subject to ratification by the Legislative Assembly of the Province:

Preamble.

And whereas it is expedient that such ratification be given:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The Agreement, a copy of which forms the Schedule to this Act, is hereby ratified and confirmed and declared to be legally binding upon His Majesty and the Railway Company, and the provisions of said Agreement are to be taken as if they had been expressly enacted hereby and formed an integral part of this Act.

Ratification of Agreement.

2. Independent valuers chosen as hereinafter provided shall appraise the grade or actually constructed line (between Midway and Rock Creek) of the projected Midway and Vernon Railway Company built prior to 1909, treating such grade or actually constructed line as part of or to be part of a completely constructed line of railway. Upon such appraisalment being made, but in any event before any moneys shall be payable by the Province under the said Agreement, the Railway Company shall pay into the Canadian Bank of Commerce, at the City of Vancouver, to the joint credit of said independent valuers, the full amount of said appraisalment.

Appraisalment of grade constructed by Midway and Vernon Railway Company.

Payment of amount of appraisalment into bank.

3. The independent valuers shall apportion among those persons, firms, or corporations who or whose assignor or assignors did work or supplied material, including goods and merchandise, in connection with the actual building of said grade or actually constructed line: Provided that wages and team-hire shall be paid in full in preference and priority to all other claims.

Apportionment of said amount.

4. The decision of said independent valuers as to the persons, firms, or corporations entitled, and as to the amount to which they

Decision of valuers to be final.

are entitled, subject always to the preference and priority of wages and team-hire, shall be absolutely final and conclusive.

Mode of choosing
valuators.

5. One of such independent valuers shall be chosen by His Majesty the King, one shall be chosen by the Railway Company, and the third shall be agreed on by the two first chosen, and the decision of the majority shall be sufficient and shall prevail.

Payment of fees
of valuers.

6. One-half of the reasonable fees and disbursements of the independent valuers shall be paid by the Government of British Columbia; the other half shall be paid by the Railway Company.

Construction.

7. The Railway Company shall construct and complete at least twenty-five miles of grade during the year 1910, commencing and prosecuting construction at not less than three places; at least fifty miles of grade during the year 1911; at least fifty miles of grade during the year 1912; and the remainder of the lines between Midway and the Nicola Valley and up the North Fork of the Kettle River within the time stipulated in the Agreement of the twenty-eighth day of February, 1910.

Mode of payment
of subsidy.

8. Notwithstanding the terms of the Agreement of the twenty-eighth day of February, 1910, as to when the subsidy earned shall be payable, the Province may retain the portion of the subsidy earned and payable under said Agreement in respect of the first twenty miles constructed until one-tenth of the railway between Midway and Penticton has been constructed, whereupon such portion earned shall be paid to the Railway Company. Thereafter the Province may retain the portion of the subsidy earned in respect of each succeeding ten-miles constructed between Penticton and at or near Nicola until a further section of seven miles has been constructed between Midway and Penticton, and as each succeeding seven miles between Midway and Penticton has been constructed the portion of the subsidy earned in respect of each further ten miles between Penticton and at or near Nicola shall be paid to the Railway Company.

SCHEDULE.

AGREEMENT, made this twenty-eighth day of February, 1910,

Between,

HIS MAJESTY THE KING in the right of his Province of British Columbia, herein represented and acting by the Honourable Richard McBride, Premier of the said Province (hereinafter referred to as "the Province"), of the first part;

and

THE KETTLE RIVER VALLEY RAILWAY (hereinafter called "the Railway") of the second part.

Whereas it is in the interest of the Province of British Columbia that a line of railway be built connecting the Boundary District with the Coast cities by a more direct route than at present:

And whereas the Railway has offered to build a line from at or near Midway to Penticton without any aid from the Province, if the Province will subsidize an extension of this line from Penticton to a junction with the Nicola, Kamloops, and Similkameen Railway, at or near Nicola, not to exceed, however, one hundred and fifty miles:

Now, this Agreement witnesseth that, in consideration of the agreements hereinafter contained on the part of the Railway, the Province agrees with the Railway, subject to ratification by the Legislature of the Province:—

- (a.) To grant a subsidy to the Railway on the portion of the road between Penticton and the junction above mentioned of five thousand dollars per mile, payable in cash, or in the Three-per-cent. Inscribed Stock of the Province, at the option of the Province, as follows: The said extension to be divided into ten-mile sections, payment of the subsidy in respect of the first ten-mile section to be made when the first and second sections have been completed to the satisfaction of the Minister of Public Works; payment for the second section to be made when the third section is completed; and so on until the whole extension is completed, when the mileage herein mentioned shall be paid for at the above rate of five thousand dollars per mile, not exceeding in all one hundred and fifty miles:
- (b.) The lines of railway constructed or to be constructed from Penticton to Midway, and from Grand Forks to, at, or near Franklin Camp, to be exempt from the assessment and tax imposed by section 6 of the "Railway Assessment Act, 1907," for the period of ten years from and after the completion of the line from Midway to Nicola:
- (c.) The Railway, with the consent of the Chief Commissioner of Lands, may take from any public lands adjacent to or near its line all stone, timber, gravel, and other material which may be necessary for the construction of the railway:
- (d.) The Railway shall have a free right-of-way through any Provincial lands for its lines herein referred to, such right-of-way to be to the satisfaction of the Lieutenant-Governor in Council.

And this Agreement further witnesseth that, in consideration of the above agreements on the part of the Province, the Railway covenants and agrees with the Province:—

- (a.) To begin construction of the lines of railway herein referred to within four months from the ratification of this Agreement by the Legislature of the Province, and to proceed continuously and with reasonable expedition with the construction of the said lines, the whole to be completed within four years from the ratification of this Agreement by the Legislature:

(b.) To build and construct the following lines of railway:—

(1.) A line from Grand Forks up the North Fork of the Kettle River, not less than thirty miles;

(2.) A line from Midway to Penticton;

(3.) A line from Penticton to a junction with the Nicola, Kamloops, and Similkameen Railway, near Nicola;

the said lines to be of standard gauge, and to be built according to such specifications as to make them practically uniform in construction with the lines of the Great Northern or Canadian Pacific Railways when originally constructed:

(c.) To give a bond satisfactory to the Government of the Province of British Columbia that following construction the said lines will be operated continuously, and throughout the whole length thereof:

(d.) The Railway agrees to purchase all material and supplies required for the construction of its railway through the Province of British Columbia from manufacturers, merchants, and dealers within the Province, when such material and supplies can be purchased in desirable quantities and of equal quality, suitable for the purposes for which they are required, and upon terms equally favourable as those procurable elsewhere:

(e.) The workmen, labourers, and servants employed in or about the construction of the said railway shall be paid such rates of wages as may be currently payable to workmen, labourers, or servants engaged in similar occupations in the district in which the said railway is constructed.

In witness whereof the parties have executed these presents.

Signed, sealed, and delivered in the
presence of—

W. J. BOWSER,
Attorney-General.

RICHARD McBRIDE,
Premier.

THE KETTLE RIVER VALLEY
RAILWAY COMPANY.

JAMES J. WARREN,
President.

[SEAL.]

CHAPTER 32.

1902, c. 45.

An Act to amend the "Midway and Vernon Railway Aid Act, 1902."

[10th March, 1910.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Midway and Vernon Railway Aid Act, 1902, Amendment Act, 1910."

Provisions as to
aid repealed.

2. All the provisions of chapter 45 of the Statutes of 1902, being the "Midway and Vernon Railway Aid Act of 1902," granting aid, or authorizing the grant of aid, to the Midway and Vernon Railway Company, are hereby repealed.

CHAPTER 37.

An Act to validate By-law No. 204 of the City of Nelson, passed on the Eleventh Day of October, A.D. 1909.

[10th March, 1910.]

WHEREAS doubts have arisen as to the validity of a certain Preamble.
by-law of the Council of the Corporation of the City of Nelson, passed on the eleventh day of October, A.D. 1909, entitled "A By-law respecting an Electric Street Railway in the City of Nelson, British Columbia," and as to whether the city had the power unconditionally to guarantee the bonds or debentures of the applicants to the extent of twenty-five thousand dollars (\$25,000) and interest thereon not to exceed six per cent. per annum:

And whereas it is expedient to remove said doubts:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "City of Nelson Tramway By-law Short title.
Validation Act, 1910."

2. Notwithstanding anything to the contrary contained in the Validation of
By-law No. 204.
"Municipal Clauses Act," and notwithstanding the absence of statutory power in that behalf, them thereunto enabling, the said recited By-law No. 204 of the Council of the Corporation of the City of Nelson, passed on the eleventh day of October, A.D. 1909, a copy of which is set out in the Schedule hereto, is hereby declared to have been duly passed, and to be and shall be absolutely valid and binding upon the Corporation of the City of Nelson according to each and all the terms thereof, and shall not be quashed or set aside or declared to be invalid on any ground whatever; and the Council of the said city is hereby empowered to carry out and give full force and effect to all and every the provisions, agreements, stipulations, covenants, and conditions in the said by-law contained, and which are or ought, according to the terms of such by-law, on its part to be performed and observed.

3. The applicant named in said by-law is hereby declared to be Applicants author-
ized to receive
franchises, etc.,
granted by by-law.
entitled to receive, obtain, hold, and enjoy all the benefits, franchises, and rights granted or to be granted to it under the provisions of said by-law from the said City of Nelson.

4. Notwithstanding any of the restrictions contained in the said Nelson empowered
to guarantee bonds.
"Municipal Clauses Act" relating to the guarantee of bonds or

debentures of the company, it is hereby declared that the Council of the Corporation of the City of Nelson shall and is hereby empowered to unconditionally guarantee the bonds or debentures of the applicants named in the said by-law to the extent of twenty-five thousand dollars (\$25,000) and the interest thereon, not to exceed the rate of six per cent. per annum (secured by mortgage on the applicant's undertaking), without provision for assessing and levying from time to time upon the whole rateable property of the municipality a sum sufficient to discharge the debt or engagement so contracted.

By-law providing for payment of liability.

5. It shall be lawful for the Council of the Corporation of the City of Nelson, notwithstanding the provisions of this Act or the said "Municipal Clauses Act," to pass a by-law for the purpose of assessing and levying upon the whole rateable property of the municipality a sum sufficient to discharge the said debt or engagement, if at any time it should be called upon to pay the said guarantee.

By-law not validated if said guarantee of bonds exceeds limit of indebtedness city may incur.

6. Provided, however, that nothing in this Act contained shall be construed to validate said by-law in respect to the said guarantee if by guaranteeing said bonds the said city exceeds the limit of indebtedness which the city may incur under the provisions of the "Municipal Clauses Act."

SCHEDULE.

BY-LAW No. 204.

A BY-LAW RESPECTING AN ELECTRIC STREET RAILWAY IN THE CITY OF NELSON, BRITISH COLUMBIA.

Whereas the Nelson Street Railway Company, Limited (hereinafter called "the Applicant"), has applied to the City of Nelson for the right of constructing, equipping, maintaining, and operating street-railway lines in the City of Nelson:

And whereas the Applicant has applied for the authority, right, and privilege to build, equip, maintain, and operate and from time to time remove and change a double-track or single-track railway or tramway, with all necessary side-tracks, switches, and turnouts, poles, wires, conduits, and all appliances for the running of cars, carriages, and other vehicles on, over, and along the streets or highways of the City of Nelson:

And whereas it has been deemed advisable to grant the request of the said Applicant, subject to the terms and conditions and provisos hereinafter contained, and on the distinct agreement that the fulfilment of said terms, conditions, and provisos, in so far as the same are prior in point of time to construction and operation of such railway-line, or portion thereof, shall be conditions precedent to the construction and operation thereof, and in so far as the terms and conditions hereinafter contained relate to the operation, conduct, and management of such railway lines or system, or any part thereof,

the same and the fulfilment of the same shall in all cases be conditions precedent to the continued enjoyment of the rights and privileges of the Applicant under this by-law:

Now, therefore, the Municipal Council of the Corporation of the City of Nelson enacts as follows:—

1. Subject to the fulfilment by the applicant of the terms, conditions, and provisoes hereinafter contained, which terms, conditions, and provisoes and the due fulfilment thereof are to be taken as hereinbefore stated as conditions precedent to the enjoyment of the rights and privileges hereby granted, the Applicant is hereby given and granted the exclusive right and privilege to construct and maintain complete and operate double and single railways or tramways, and from time to time change a double to a single-track railway or tramway, and vice versa, with the necessary side-tracks, switches, turnouts, poles, wires, conduits, and all appliances for the running of cars, carriages, and other vehicles adapted to the same, on, over, and along any of the streets or highways of the City of Nelson, and to run their cars, take, transport, and carry passengers and freight on the same, by electric power.

2. The lines of the said railway are to be built, equipped, and operated subject to the following regulations, and the Applicant is to conform thereto:—

- (a.) The Applicant, before entering on any street to construct any line of railway, shall make application to the City for permission so to do, naming the street or streets across or along which it desires to operate its works, and before in any way proceeding with the work shall receive the approval of the City Council:
- (b.) The construction of any line or railway on any street or highway shall not be commenced until a plan thereof showing the location on street, position and style of track, road-bed, rails, poles, wires, and all other appliances shall have been submitted to and approved by the City Engineer:
- (c.) No approval, either of the City Council or the City Engineer, shall have any force or effect if the railway-line for which the same has been given has not been fully constructed and in operation within twelve (12) months from the time of such approval:
- (d.) The location on streets, the position, style, and gauge of the tracks, road-bed, rails, poles, wires, and all other appliances shall conform to and agree with the plans approved by the City Engineer, and the gauge shall be the standard gauge (four feet eight and a half inches):
- (e.) No new line or extension of existing line shall be opened for traffic until the Applicant has obtained a certificate in writing from the City Engineer that the same has been constructed to his satisfaction subject to appeal from the decision of the City Engineer in event of refusal to grant such certificate:
- (f.) The overhead or trolley system is to be adopted:
- (g.) All poles erected shall be so placed as to interfere as little as possible with all other uses of said streets, and both material and workmanship of said poles shall be of first-class quality, and on all graded streets said poles shall be painted; and the Applicant shall have the use of all electric-light poles owned by the City for street-railway purposes: Provided the same are properly braced and protected by the Applicant, with the approval of the City Engineer:
- (h.) The coaches and cars to be used on the said line of railway shall be of the most modern style and construction, suitable for the safety and comfort of the passengers, and shall, when in operation, be always sufficiently lighted and heated:
- (i.) Each car is to be in charge of a uniformed conductor, who shall clearly announce the names of the cross-streets as the cars reach

them. Conductors shall only receive and discharge passengers on the right or curb side of the cars on double-track routes. Cars are not to be overcrowded (a comfortable number of passengers for each class of cars is to be determined by the City Engineer and approved of by the City Council). Cars shall be stopped at every cross-street, clear of such cross-street, for taking up or letting off passengers; provided no car shall be required to stop at such cross-street unless signalled by a person or persons desiring to board such car, or by a person or persons on such car desiring to be let off. Cars are to commence running daily on all routes not later than half-past six o'clock a.m., and to run until eleven o'clock p.m., and each day at least fifteen (15) cars shall be run each way on each route; and when a census taken by the City shows that the City has a population of twelve thousand (12,000), then at such intervals between six o'clock a.m. and eleven o'clock p.m. as the City Engineer, with the approval of the City Council, may from time to time determine:

- (j.) The tracks of said railway-line shall be laid on streets improved and graded, so that carriages and other vehicles may easily travel over and across at any or all points thereof with the least possible obstruction; and on streets not constructed according to any established grade, the said tracks of said railway-lines may be temporarily laid, but shall be so constructed as not to interfere with or obstruct the crossings of any streets intersected by said line; and on such streets between such intersections the said railway shall be laid so as to impede as little as possible traffic thereon, and according to plans approved of by the City Engineer; and as soon as such streets are graded, the said tracks shall be altered to conform to such grade, at the expense of the Applicant, and the said tracks shall then be laid so that carriages and other vehicles may easily travel over, on, or across them:
- (k.) Upon streets which are not yet improved and opened up by the City of Nelson, the tracks of said railway-lines may be temporarily laid according to plans approved of by the City Engineer, and may be thereafter altered by the Applicant, and the City will give the Applicant the free use of earth and rock on the streets which it may need for ballast or otherwise, and which, in the opinion of the City Council, is not required by the City for street purposes; but such material is not to be taken so as to bring the streets below the grade as established for such street or streets:
- (l.) Ordinary carriages and other vehicles may travel on, over, and across the said tracks, and it shall be lawful for all and every person and persons whomsoever to travel upon and use the said tracks with their carriages or other vehicles, loaded or empty, when and as often as they may please, provided they do not impede or interfere with the cars of the Applicant running thereon, and subject at all times to the right of the Applicant to keep upon the said tracks with its cars when meeting or overtaking any carriage or other vehicle thereon. The cars of the Applicant shall be entitled to the right-of-way on said tracks, and any vehicle, horseman, or foot-passenger upon said tracks shall turn out on the approach of any car so as to leave the said tracks clear, due warning being given at the intersection of streets of the approach of said car by the ringing of a gong or bell:
- (m.) Said Applicant shall at all times maintain the ties, stringers, rails, turnouts, curves, side-tracks, poles, wires, and conduits in a state of thorough efficiency and to the satisfaction of the City Engineer, and shall remove, renew, and replace the same as circumstances may require and as the City Engineer may direct:

(n.) Said Applicant shall at all times keep so much of the graded streets occupied by its said lines of railway as may lie between the rails of every track and between the lines of every double track and for the space of eighteen (18) inches on the outside of every track in good repair, cleared of snow, ice, and other obstructions, and shall cause the snow, ice, and other obstructions to be removed as speedily as possible, the snow and ice to be spread over the balance of the street so as to afford a safe and unobstructed passage-way for carriages and other vehicles. Should the City Engineer at any time consider that the snow or ice so obstructing the said portions of the said street has not been properly or as speedily as possible removed from or about the tracks of the said railway-lines, or not properly or as speedily as possible spread over the said streets, he may cause the same to be removed or spread as aforesaid, and charge the expense thereof to the Applicant, who shall at once pay the same to the City. If, however, the City Engineer is of the opinion that such snow or ice should be removed entirely from the streets so as to afford a safe passage for sleighs and other vehicles, the said Applicant shall at once do so at its own expense and charge, or in the case of its neglect the City Engineer may do so and charge the expense to it, and it shall pay the same:

(o.) The Mayor, the Chief of Police, or the Chief of the Fire Department of the said City may order a suspension of the running of the cars on the said streets used by the said lines of railway, or any of them, as he or they may deem necessary, during any fire on such street or streets. In case of fire, the Chief of the Fire Brigade, or all officers of the City authorized by the Mayor, may cut or pull down any wires, poles, structures, or appliances used to operate the cars on said lines, or any of them, or incidental thereto, and neither the City nor such officers shall be liable for any loss or damage resulting from the cutting or pulling down thereof, but shall only be liable for the actual cost or expense of repairing or replacing the same:

(p.) The line of railway of the Applicant for the conveyance of passengers shall be operated daily, and should the said railway cease to be operated at any time for a period of three (3) months in any one year, the Applicant shall lose all rights and privileges hereby granted under this by-law; such cessation of operation shall not be satisfied by operating intermittently during the said period of three (3) months, and such failure to operate the said railway-lines during the said period mentioned is not to cause a forfeiture of the franchise and privileges hereby granted if the same should result from failure to obtain electric power or from any other cause over which the Applicant has no control or for which the Applicant is not in any way liable.

3. Ordinary single cash fares are not to be more than five (5) cents within the City limits:

Provided the Applicant may sell season tickets or special tickets at such price or for such sum as it may see fit, and may also charter cars for any occasion for such sum as it may see fit.

4. The Applicant shall have the right to charge and collect from any person on entering any of its cars a fare, and any person refusing to pay such fare may be removed from the car. The rate of fare for each passenger travelling on any one of the said lines within the City limits shall not exceed five cents, including ordinary hand-baggage, except on special cars as above provided:

Provided that no fare shall be required for a child under five years of age while travelling under the care of another older person, and provided that when the same passenger travels over two or more streets or lines in the City,

there shall be but one fare for the whole distance so travelled; and the Applicant, when desired by passengers, shall issue transfer tickets at the point of connecting or crossing line to any passenger who has paid one fare on any line operated by the applicant in the City of Nelson, which transfer check shall entitle the passenger so receiving the same to a passage on any connecting or crossing line operated by said Applicant in said City. A passenger shall be entitled to as many transfers for one fare as shall be necessary to allow one continuous trip or passage over the lines of the railway from any one point on the said lines within the City of Nelson to any other point on its said lines within the City, and such transfer checks shall be used only by the person receiving the same, and shall be used within ten minutes or upon the next available car departing upon a connecting or crossing line upon which it is to be used.

5. The property of the Applicant, consisting of real estate, used in the operation of its railway, and necessary for such purpose, road-bed (which shall include also the rails, poles, ties, and any part or share of the pavement which has been constructed by the Applicant) shall be exempt for the space of ten (10) years from municipal taxation, and no municipal taxation and no municipal taxes or licences shall be levied or collected from the Applicant during said period upon said property or for operating and carrying on said railway.

6. Whenever the City of Nelson decides to pave any street or highway traversed by any of such railway-lines, the Applicant shall at the same time pave in a similar manner, or in such other manner as may be approved by the City Engineer (provided that such pavement shall not be of a more expensive kind than that adopted by the City), those parts hereinafter referred to; and in case any streets in which the Applicant shall lay a railway-track shall have been paved previous to the time of laying such track, the Applicant shall upon laying its track repave the same and keep in repair the same as hereinafter provided. The parts referred to shall be—

In case of a single track, between the rails and eighteen inches on each side of them:

In the case of a double track, between both sets of rails and eighteen inches on each side outside of both tracks and between each inside of both tracks, commonly known as the "devil" strip.

The parts referred to as aforesaid shall be kept constantly in good repair by the said Applicant, who shall also construct and keep in good repair crossings of similar nature to those adopted by the City within the limits aforesaid at the intersection of every railway-track and cross-street. In case the City Engineer considers that the paying or repairing of pavement on streets within the lines above mentioned has not been properly or sufficiently done, the City may direct that the work may be done and completed under the directions of the City Engineer; and in such cases all expenses and charges to which the City has been put shall be forthwith paid to the City by the Applicant, it being the understanding that any question as to whether repairs are necessary or have been properly done by the City shall be subject to the decision of the City Engineer.

The City shall, upon reasonable notice of their intention so to do, have the right to take up and replace the streets traversed by the railway-line for the purposes of altering the grades thereof, constructing or repairing pavements, sewers, drains, or conduits, or for laying down or repairing water or gas pipes, and for all other purposes within the powers of the Corporation, the same being replaced by and at the expense of the City without being liable for any compensation or damage that may be occasioned to the working of the railway or the works connected therewith, and such work shall not be unnecessarily delayed, but shall be carried on and completed with all reasonable speed, regard being had to the proper and efficient execution thereof.

The privilege granted under this section is also subject to any existing rights (statutory or otherwise) of any other corporation which has or hereafter shall have power to open or take up streets of the City, such rights to be exercised with the permission and under the direction of the City Engineer.

7. The Applicant shall commence the actual building and equipping of its lines of railway in the City within a period of six (6) months after this by-law becomes operative by extending the existing tramway-lines four (4) blocks across Gore Street to Hendryx Street, down Hendryx Street to Mill Street, up Mill Street to Park Street, down Park Street to Silica Street, down Silica Street to Ward Street, down Ward Street to the present existing line on Baker Street (or as near to the points outlined above as grades and conveniences will permit); and such construction shall be thereafter carried on continuously and diligently until it is completed; and should any question arise as to whether such railway is being constructed continuously and diligently, the City Engineer shall have the power to decide upon such question, and his decision shall be binding upon the Applicant unless appealed from as hereinafter mentioned; all repairs and construction shops, offices, car sheds or barn, and general buildings used by the Applicant in the operation of its railway shall be within the limits of the City.

8. The Applicant shall be liable for and shall indemnify the City for all damage arising out of the construction or operating of its railway.

9. For the space of ten (10) years the City of Nelson shall provide the Applicant with electric power at its sub-station to the extent of two hundred and fifty (250) kilowatts without charge, and thereafter the Applicant shall purchase such power as it may require for the operation of the said tramway from the City of Nelson at a rate to be mutually agreed upon or settled by arbitration; but the rate therefor shall not exceed one-half ($\frac{1}{2}$) of one (1) cent per kilowatt hour; and the Applicant shall not purchase power for the operation of its line elsewhere unless the City is not in a position to provide it, in which case the Applicant shall be at liberty to purchase the same elsewhere:

And provided further that during the ten (10) years for which the City is supplying power to the applicant without charge, it shall be under no obligation to supply the same when prevented from causes over which it has no control; but otherwise shall provide the same as hereinbefore mentioned.

10. The Applicant shall be at liberty to erect a car-barn on the site known as Lots 17 and 18, Block 2, Subdivision of Lot 150, in the City of Nelson, and at the expiration of this franchise shall be at liberty to remove the same.

11. The Applicant shall be at liberty to erect its generator in a building to be constructed adjoining the present City sub-station, and use the same during the period of this franchise on the understanding that the building thereon shall become the property of the City at the expiration of this franchise.

12. The Applicant shall be given a lease of the present tramway system at a nominal rent for the period of ten (10) years from the coming into force of this by-law of one dollar (\$1) per year. Thereafter, for a period of ten (10) years, the Applicant shall be entitled to a lease in the statutory form from the City of the said railway system at an annual rental amounting to six (6) per cent. per annum on the cost of the same to the City, and the City and the Applicant mutually agree to execute such lease.

13. The City shall unconditionally guarantee the bonds or debentures of the Applicant (secured by mortgage on the Applicant's undertaking) to the extent of twenty-five thousand dollars (\$25,000) and the interest thereon, not to exceed the rate of six (6) per cent. per annum. Such mortgage to be settled between the solicitors for the Applicant and the City, and in the event of their being unable to agree, to be settled by counsel to be mutually appointed for the purpose.

14. The books of the Applicant shall be subject to inspection by the City Auditor, and the City Engineer and the City Electrician shall be at liberty to

inspect and supervise the plant and machinery of the Applicant, which shall be installed to the satisfaction of the City Electrical Engineer.

15. If the Applicant complies with the provisions of this by-law and shall operate the said line or lines of railway in accordance with the same, it shall be entitled to enjoy the rights and privileges granted under this by-law exclusively for the term of twenty (20) years, and at the expiration thereof the City of Nelson may, on giving one (1) year's notice of their intention so to do, assume the ownership of the said railway and personal property in connection therewith, of every kind and description, upon payment of the full value of the same, including the value of any pavement made or done by or at the expense of the Applicant, to be determined by arbitration; and in considering such value the franchise, rights, and privileges granted under this by-law and the revenues, profits, and dividends derived, or likely to be derived, are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plants, equipments, and works connected with and necessary to the operation of the said railway, including such pavement (if any); and after the end of the said term of twenty (20) years, in case the City does not give such notice, the Applicant shall be entitled to enjoy the rights and privileges granted under this by-law, including running rights over the present tramway system, exclusively, for a further period of twenty (20) years, upon such terms, as to the said running rights over the present tramway system, as may be determined at that time by the City Council and the Applicant by agreement, or, in case of dispute, to be settled by arbitration; but during the said extended period of twenty (20) years the City shall have the right at the end of each succeeding five (5) years to take over, assume, and purchase the said lines of railway and railway system, and all the plants, appliances, and other property connected therewith, upon the terms hereinafter mentioned provided for as to arbitration, and the notice required in such case shall be one (1) year. Nothing in the by-law contained shall be deemed to grant a franchise for more than forty (40) years.

16. The decision of the City Engineer with respect to the provisions of subsections (e), (f), (g), (h), (i), (j), and (n) of section two (2) of this by-law shall be final and conclusive, subject only to appeal to the City Council; and should any dispute arise between the City and the Applicant with reference to the carrying-out of any other portion or portions of the provisions of this by-law, or should there be an appeal from the decision of the City Engineer with respect to the carrying-out of any other portion or portions of the provisions of this by-law, then such dispute or appeal shall be settled by arbitration, and such arbitration shall be conducted by three (3) arbitrators, one to be chosen by each of the parties hereto, and the third to be appointed by the two so chosen as aforesaid. In the event of either party hereto failing, neglecting, or refusing to choose an arbitrator for fifteen (15) days after being requested in writing by the other party to do so, then the party who makes such request shall appoint the arbitrator for and on behalf of the party so failing, neglecting, or refusing as aforesaid; and in the further event of the said two arbitrators being unable or failing to agree upon the said third arbitrator for one (1) week after their appointment or the appointment of the one of them who was last appointed, then such third arbitrator shall be chosen and appointed by the Chief Justice for the time being of the Supreme Court of British Columbia; or in the event of the Chief Justice being sick, absent from the Province, or otherwise unable or refusing to act, then such third arbitrator shall be appointed by the senior Judge of such Court. The decision or award of any two of the said arbitrators shall be final; such arbitration to be in other respects governed by the provisions of the "Arbitration Act," chapter 9 of the British Columbia Statutes of 1897, or its amendments. If the Applicant should at any time within the first-mentioned period of twenty (20) years propose to sell its undertaking to any other person or corporation, it shall in such case

allow the City the first right to purchase the same at the price and on the terms at which it proposes to sell.

17. Any person or persons who shall in any way or manner wilfully obstruct the free passage of cars on and along the track or tracks upon any of the Applicant's line of railway shall be liable, upon conviction before the City Police Magistrate, the Mayor, or any Justice or Justices of the Peace having jurisdiction, to a fine not exceeding twenty dollars (\$20) and costs for each offence, and in default of payment of said fine and costs, to be imprisoned in any police station or lock-up house in the said City for a period not exceeding twenty-one (21) days, unless such penalty and costs shall have been sooner paid.

18. The City will not, during the currency of this franchise, grant any permit or franchise to any other person or persons or corporation for the operation of a street-car system in the City or in any way authorize the construction of a street-railway system by any other person or persons or corporation.

19. The City hereby consents to this by-law being ratified by the Legislature of the Province of British Columbia, and so long as the Applicant complies with the terms of this by-law will not consent to nor approve of or confirm, or in any way assist, any other party or company or corporation in obtaining from the Legislature any rights or privileges to enter upon or occupy any of the streets of the City of Nelson for the purpose of operating a street-railway system. The cost of legislation is to be paid by the Applicant.

20. All provisions of this by-law shall apply to any extension of this railway beyond the limits of the City or any line or lines acquired, owned, controlled, or operated with or adjoining a City line or lines when such streets or routes come within the limits of the City of Nelson.

21. Nothing in this by-law shall be construed as giving the Applicant any right to utilize or dispose of power for any other purpose than the operation of its railway alone, or to permit any person or corporation supplying it with power to have any such rights.

22. A contract embodying the provisions hereof, and a covenant on the part of the Applicant to conform to and fulfil all the matters and provisions hereby required of it, shall be drawn and shall be executed by the City and the Applicant within six (6) months from the passing of this by-law.

23. This by-law shall not become operative until the Applicant satisfies the Mayor that shares in the capital stock of the company to the extent of twenty-five thousand dollars (\$25,000) have been subscribed for, and that the bonds or debentures of the Applicant have been applied for on terms satisfactory to the applicant and the City.

24. In this by-law the expression "City" shall mean the City of Nelson; "City Council" the City Council of the City of Nelson; "City Engineer" the Engineer of the City of Nelson; and the "Electrical Engineer" the Electrical Engineer of the City of Nelson; and the word "Applicant" shall include, refer to, and be in every way binding upon the Applicant, its successors and assigns.

Done and passed in Council assembled this eleventh day of October, 1909.

CHAPTER 39.

An Act to validate and amend By-law No. 83 of the City of North Vancouver to aid the North Vancouver City Ferries, Limited.

[10th March, 1910.]

Preamble.

WHEREAS the Mayor and Council of the City of North Vancouver, on the eighth day of November, 1909, duly passed By-law No. 83 to aid the above-mentioned Company after the said by-law had received the assent and approval of the electors of the city at an election held on the third day of November, 1909, a copy of which by-law is appended as a Schedule to this Act:

And whereas a question has arisen as to the validity of the said by-law in respect of non-compliance with the provisions of subsection (11) of section 50 of the "Municipal Clauses Act," and as to the sufficiency of the provisions in said by-law to give effect to the evident intention thereof:

And whereas it is in the public interest that the said by-law receive full effect:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "North Vancouver Ferry Aid By-law Validation Act, 1910."

Validates by-law.

2. The said by-law, a copy of which is made a Schedule to this Act, is hereby declared valid and effectual to all intents and purposes and to be binding on the Corporation of the City of North Vancouver.

Guarantee.

3. The guarantee to be given by virtue of section 2 of the said by-law shall be a guarantee by the Corporation of the City of North Vancouver of the principal sum or sums in debenture bonds of the North Vancouver City Ferries, Limited, to a total amount not exceeding one hundred and twenty-eight thousand dollars (\$128,000), and a guarantee of the interest at the rate of five per cent. per annum to become due on said debenture bonds over a period of forty years from the date thereof.

Form of guarantee of bond.

4. The said guarantee shall be constituted by an endorsement written or printed on the back of each of said debenture bonds to the following effect, namely: "The Corporation of the City of North Vancouver guarantees the within bond as to principal and interest

by virtue of By-law No. 83 of 1909 of said city"; and the said endorsement shall be signed by the Mayor and the City Clerk, and sealed with the corporate seal of the said Corporation.

5. There shall be an endorsement on the back of each interest coupon attached to the said debenture bonds to the following effect, namely: "Guaranteed by the City of North Vancouver"; and the said endorsement shall be signed by the Mayor of the city. Such signature may be either written or stamped.

Form of guarantee
of interest coupon.

SCHEDULE.

BY-LAW No. 83.

A BY-LAW TO ENABLE THE CORPORATION OF THE CITY OF NORTH VANCOUVER TO GUARANTEE THE PAYMENT OF AND THE INTEREST ON DEBENTURES TO BE ISSUED BY THE NORTH VANCOUVER CITY FERRIES, LIMITED, TO THE EXTENT OF ONE HUNDRED AND TWENTY-EIGHT THOUSAND DOLLARS (\$128,000) AND INTEREST THEREON.

Whereas the North Vancouver City Ferries, Limited, have represented to the Municipal Council of the City of North Vancouver that the said Company propose to erect a permanent wharf, float, bridge, and buildings at the southerly end of Lonsdale Avenue, in the City of North Vancouver, and buildings on the Company's wharf premises in the City of Vancouver, and to expend on the said wharf, float, bridge, and buildings approximately the sum of thirty-five thousand dollars (\$35,000), and also to build a new and modern ferry-steamer with a steel hull and to expend approximately ninety-three thousand dollars (\$93,000) in so doing, and have entered into an agreement with the City of North Vancouver providing, inter alia, for the construction of such wharf, float, bridge, buildings, and modern ferry-steamer:

And whereas it is expedient to grant aid to the said Company as requested:

Therefore, the Mayor and Aldermen of the City of North Vancouver, in Council assembled (with the assent of the electors of the said City duly obtained), enact as follows:—

1. It shall be lawful for the Council of the City of North Vancouver to enter into an Agreement with the North Vancouver City Ferries, Limited, in the terms of the Schedule annexed to and forming part of this by-law, by which the said Company agree, in consideration of the City guaranteeing payment of and the interest on debentures to be issued by the said Company for an amount not exceeding one hundred and twenty-eight thousand dollars (\$128,000), to forthwith after disposal of such debentures by the Company erect a permanent wharf, float, bridge, and buildings at the southerly end of Lonsdale Avenue, in the City of North Vancouver, and buildings on the Company's wharf premises in the City of Vancouver, also build a new and modern ferry-steamer to be used in connection with the ferry service now being operated by the Company, and giving a direct means of communication between the City of North Vancouver and the City of Vancouver and other sections, and to expend an amount of one hundred and twenty-eight thousand dollars (\$128,000) in so doing.

2. It shall be lawful for the Mayor of the City and the City Clerk, on the execution of the said Agreement by the said North Vancouver City Ferries, Limited, to guarantee the payment of and the interest on the debentures to be issued by the said Company for an amount not exceeding one hundred and

twenty-eight thousand dollars (\$128,000), said guarantee to be given by way of a separate bond or guarantee or by endorsement on the debentures so to be issued by the said Company, the said bond or endorsement to be executed by the Mayor and City Clerk, and the corporate seal of the City to be attached thereto.

3. Authority is hereby granted the Council of the said City to assess and levy from time to time upon the whole rateable property of the municipality a sum sufficient to discharge the debt or engagement hereby contracted, or any part or parts thereof.

4. This by-law shall come into effect on the _____ day of November, A.D. 1909.

This by-law may be cited for all purposes as "The Ferry Improvements Aid By-law, 1909."

Passed by the Council on the twentieth day of October, A.D. 1909.

Received the assent of the electors of the City of North Vancouver at an election held for the purpose on the _____ day of November, A.D. 1909.

Reconsidered, adopted, and finally passed by the Council, signed by the Mayor and City Clerk, and sealed with the corporate seal on the _____ day of November, A.D. 1909.

SCHEDULE.

THIS AGREEMENT, made in duplicate the _____ day of _____, in the year of our Lord one thousand nine hundred and nine,

Between,

THE NORTH VANCOUVER CITY FERRIES, LIMITED (hereafter called "the Company"), of the one part;

and

THE CITY OF NORTH VANCOUVER (hereinafter called "the City") of the other part.

Whereas the Company is incorporated under the "Companies Act, 1897," for the purpose of carrying on, inter alia, the operation of a ferry service giving direct means of communication between the City of North Vancouver and the City of Vancouver and other sections:

And whereas the Company is desirous of improving the said ferry service by erecting a permanent wharf, float, bridge, and buildings at the southerly end of Lonsdale Avenue, in the City of North Vancouver, and buildings on the Company's wharf premises in the City of Vancouver, also by building a new and modern ferry-steamer with a steel hull, and for that purpose it is necessary for the Company to borrow money:

And whereas the Company has requested the Council of the City to grant aid to the said Company by guaranteeing the payment of and the interest on debentures of the Company for an amount not exceeding one hundred and twenty-eight thousand dollars (\$128,000) for the purpose of enabling the Company to borrow the said amount and construct the said improvements, and the Council of the City have agreed to submit a by-law to the ratepayers of the City authorizing the granting of such aid to the Company by the City guaranteeing payment of and the interest on the said debentures upon the execution by the Company of the present Agreement:

Now, this Agreement witnesseth that, in consideration of the City guaranteeing payment of and the interest on the said debentures in manner hereinafter mentioned, the Company agree with the City in manner following, that is to say:—

1. The proceeds to be realized by the Company from the sale of the said debentures shall be used in the erection of a permanent wharf, float, bridge,

and buildings at the southerly end of Lonsdale Avenue, in the City of North Vancouver, and buildings on the Company's wharf premises in the City of Vancouver, the estimated cost of the same being approximately thirty-five thousand dollars (\$35,000), and in the building of a new and modern ferry-steamer with a steel hull to be used in connection with the ferry service now being operated by the Company between the Cities of North Vancouver and Vancouver, the estimated cost whereof is approximately ninety-three thousand dollars (\$93,000).

2. The debentures to be issued by the Company are to be repayable in forty years, and the interest thereon at the rate of five per cent. per annum.

3. The Company shall provide annually the sum of one thousand three hundred and forty-seven dollars (\$1,347) for the purpose of forming a sinking fund for the repayment of the said debentures, and the sum of six thousand four hundred dollars (\$6,400) for the payment of the interest at the rate aforesaid to become due on such debentures during the currency thereof. The sinking fund shall be placed to a special account in a bank at North Vancouver, it being understood, however, that the sinking fund or any part thereof, with the consent of the City Council of North Vancouver, may be invested in mortgages or some other approved-of security.

4. The Council of the said City shall, in pursuance of the powers vested in them by Statute, guarantee the payment of and the interest on debentures of the Company to the extent of one hundred and twenty-eight thousand dollars (\$128,000) and interest thereon; and in the event of the revenues or profits from the said ferry service not being sufficient to provide in any one year the above sums of one thousand three hundred and forty-seven dollars (\$1,347) and six thousand four hundred dollars (\$6,400), and the City is required to provide such sums or any part thereof, then the Company will issue to the City for and in respect of such sum or sums as may be provided by it an equivalent amount of shares in the capital stock of the said Company.

5. The said debentures are to be secured on all the property and assets of the Company.

6. The moneys to be realized from the sale of the said debentures shall be deposited to a special account in a bank at North Vancouver, and shall be used and applied only in and towards the erection of the said permanent wharf, float, bridge, and buildings, and in the building of the said ferry-steamer.

7. The Company agree to begin the work of erecting the said permanent wharf, float, bridge, and buildings, and the building of the said ferry-steamer forthwith after the disposal of the said debentures.

8. The Company agree to pay all expenses, legal and otherwise, incurred by the City in connection with this matter, including the submission of the necessary by-law to the ratepayers of the City.

In witness whereof the parties hereto have hereunto set their hands and seals the day, month, and year first above written.

The corporate seal of the North Vancouver City Ferries, Limited, was hereunto affixed in the presence of—

.....
[SEAL.]

The corporate seal of the City of North Vancouver was hereunto affixed in the presence of—

.....
[SEAL.]

CHAPTER 41.

An Act to incorporate the City of Prince Rupert.

[10th March, 1910.]

Preamble.

WHEREAS it is desirable that the inhabitants of the area described in section 4 hereof, in Skeena District, British Columbia, should be incorporated into a city municipality under the name of the "City of Prince Rupert," and it is necessary in the public interest that the said inhabitants within the said districts should be so incorporated without compliance with the provisions of the "Municipalities Incorporation Act" and amending Acts:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "City of Prince Rupert Incorporation Act, 1910."

Interpretation.

"Owner."

"Registered owner."

2. The terms "owner" or "registered owner" of land and real property, when used in this Act and in the "Municipal Clauses Act" and the "Municipal Elections Act," as and when applied to said City of Prince Rupert, shall, for the purposes of qualification as elector, Mayor, or Alderman, or as candidate for the office of Mayor or Alderman, of money by-laws, assessment, and all other purposes up to and including the year 1912, have the meaning to be given to said terms according to the context in which they are used in said Acts, and they shall also mean the holder of an equity or equities in real property in the City of Prince Rupert whose name appears upon the last municipal assessment roll as such owner; and for the year 1910 "last municipal assessment roll" shall mean the assessment roll prepared under the authority of the order of the Lieutenant-Governor in Council hereinafter mentioned.

"Last municipal assessment roll."

Incorporation.

3. On, from, and after the coming into force of this Act the inhabitants of the tract of land described in section 4 of this Act, and their successors, shall be and are hereby declared to be a body politic and corporate in fact and in law by the name of the "City of Prince Rupert," and the said Corporation, by the same name, shall have perpetual succession and shall have all the powers of a city municipality under the "Municipal Clauses Act," and the provisions of said "Municipal Clauses Act," the "Municipal Elections Act," and of all other Statutes and laws applicable to city municipalities shall apply to said City of Prince Rupert, except as otherwise provided by this Act.

Corporate name.

Powers.

4. The said City of Prince Rupert shall be bounded as follows:— Boundaries of city.

Commencing at a post on the shore of Shawatlan Passage, in Range 5, Coast District of British Columbia, and being the south-easterly post of Section 9, Prince Rupert Townsite; thence along the boundary of Section 9 as follows: South forty-three degrees forty-seven minutes ($43^{\circ} 47'$) west astronomical a distance of four hundred and fifty-one and seventy-seven hundredths (451.77) feet; thence north eighty-three degrees thirty-seven minutes ($83^{\circ} 37'$) west astronomical a distance of one thousand five hundred and seventy-two hundredths (1,500.72) feet; thence south twenty-seven degrees twenty-three minutes fifteen seconds ($27^{\circ} 23' 15''$) west astronomical a distance of three thousand four hundred and seventy-three and seventy-five hundredths (3,473.75) feet; thence south thirty-five degrees fifty-eight minutes thirty-four seconds ($35^{\circ} 58' 34''$) west astronomical a distance of two thousand and fifty-one and twenty-five hundredths (2,051.25) feet; thence north sixty-two degrees sixteen minutes twenty seconds ($62^{\circ} 16' 20''$) west astronomical a distance of one thousand one hundred and twenty-four and eight hundredths (1,124.08) feet; thence south forty-seven degrees twelve minutes ten seconds ($47^{\circ} 12' 10''$) west astronomical a distance of four thousand eight hundred (4,800) feet, more or less, to a post, being the north-easterly corner of Lot 1,994, Range 5, Coast District; thence along the southerly boundary of Lot 1,994 south fifty-nine degrees forty-two minutes thirty-eight seconds ($59^{\circ} 42' 38''$) west astronomical a distance of three thousand eight hundred and six and sixty-eight hundredths (3,806.68) feet; thence south forty-seven degrees seven minutes five seconds ($47^{\circ} 07' 05''$) west astronomical a distance of two thousand six hundred and three and seven-tenths (2,603.7) feet; thence south seventy-nine degrees forty-one minutes forty-three seconds ($79^{\circ} 41' 43''$) west astronomical a distance of one thousand three hundred and forty-one and twelve hundredths (1,341.12) feet; thence south fifty-two degrees forty-six minutes twenty-four seconds ($52^{\circ} 46' 24''$) west astronomical a distance of two thousand two hundred and forty-seven and ninety-six hundredths (2,247.96) feet; thence south sixteen degrees one minute nineteen seconds ($16^{\circ} 01' 19''$) west astronomical a distance of three thousand one hundred and sixty-nine and ninety-eight hundredths (3,169.98) feet; thence north seventy-nine degrees twenty-two minutes ($79^{\circ} 22'$) west astronomical a distance of five hundred and thirty and sixty-four hundredths (530.64) feet, more or less, to a post on the shore of Prince Rupert Harbour; thence west astronomical one thousand three hundred and twenty (1,320) feet; thence north astronomical a distance of twelve thousand nine hundred and thirty-six (12,936) feet; thence north sixty-one degrees and thirty minutes ($61^{\circ} 30'$) east a distance of twenty-three thousand seven hundred (23,700) feet to a point opposite the centre point of Shawatlan Passage; thence along the centre line of Shawat-

lan Passage to a point due west of the point of commencement; thence due west to the point of commencement; the land area contained within said boundaries consisting of about two thousand (2,000) acres and being shown on the registered plans of Prince Rupert Townsite, registered at Prince Rupert.

Council to consist of Mayor and eight Aldermen.

5. The Council of said city shall consist of a Mayor and eight Aldermen until such time as the Council may increase or diminish such number.

First nomination and poll to be held at Government Building.

6. The nomination for the first election of Mayor and Aldermen shall take place, and the poll (if any) shall be held, at the Provincial Government Building in said City.

Time for first nomination and poll.

7. (1.) The nomination for the first election for Mayor and Aldermen shall take place on the sixteenth day of May, 1910, at twelve o'clock noon, and shall continue for the time prescribed by the "Municipal Elections Act." The polling (if any) shall be on the nineteenth day of May, 1910, and shall continue for one day only. The poll shall be kept open between the hours of eight a.m. and five p.m.

Appointment of Returning Officer.

(2.) The Returning Officer at such nomination, poll, and election shall be appointed by the Lieutenant-Governor in Council.

Procedure at first election.

(3.) Sections 34 to 86, both inclusive, of the "Municipal Elections Act" shall govern, so far as applicable and so far as not changed by the "Municipal Elections Act." The polling (if any) shall be on after the nomination and poll (if any) at said first election.

Deputy Returning Officers.

8. The Returning Officer at such election shall have power to appoint as many Deputy Returning Officers as shall be necessary to hold said election.

Lieut.-Governor in Council may change time for holding first nomination and poll.

9. Should the Lieutenant-Governor in Council for any reason deem it expedient so to do, he may change as often as may be necessary the time for holding said first nomination and poll.

Qualifications of first Mayor.

10. The persons qualified to be nominated for and elected as the Mayor of the City of Prince Rupert at said first election and at any other election held during the year 1910 shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and have been for the six months next preceding the day of nomination the owner, as defined in section 3 of this Act, of land or real property in the City of Prince Rupert of the assessed value on the last municipal assessment roll, as defined in section 2 of this Act, of one thousand dollars or more, and who are otherwise duly qualified as municipal voters.

Qualifications of first Aldermen.

11. The persons qualified to be nominated for and elected as Aldermen of the City of Prince Rupert at said first election and at

any other election held during the year 1910 shall be such persons as are male British subjects of the full age of twenty-one years, and are not disqualified under any law, and have been for the six months next preceding the day of nomination the owner of land or real property in the City of Prince Rupert of the assessed value on the last municipal assessment roll, as defined in section 2 of this Act, of five hundred dollars or more, and who are otherwise duly qualified as municipal voters.

12. At said first election and at any other election held during the year 1910 any male or female resident within the municipality for at least six months prior to the date of election, being a British subject of the full age of twenty-one years,—

Qualifications of first voters.

- (a.) Who is the owner as defined in this Act of real estate within the limits of the city, which real estate is of the assessed value of not less than one hundred dollars; or
- (b.) Who is the representative, being a resident British subject, duly authorized by the directors of an incorporated company which is the assessed owner of real property within the municipality of an assessed value of not less than one hundred dollars; or
- (c.) Who carries on business in the municipality and is the holder of a trade licence, the annual fee for which is not less than five dollars; or
- (d.) Who occupies a dwelling, tenement, hotel, or boarding-house or any portion of a dwelling, tenement, hotel, or boarding-house in his or her own right,—

shall be entitled to have his or her name entered on the voters' list of the municipality for the first municipal election, and the voters' list for the municipality for the year 1910 shall be prepared as provided in section 14 hereof.

13. After the year 1910 the qualification for voters in the City of Prince Rupert shall be those prescribed by the "Municipal Clauses Act" or "Municipal Elections Act," except the term "owner," which shall have such meaning as defined in this Act until the expiration of the year 1912.

Qualifications for voters after 1910.

14. It shall be the duty of the Returning Officer to prepare a list of electors to be used at said first election and at any other election held during the year 1910, and for that purpose to enter in a book, in alphabetical order, the names, addresses, and occupations of all persons qualified to vote as aforesaid, who make application to him as aforesaid, during the period commencing thirty days prior to polling-day until not later than ten clear days before the day for the polling at said first election, to have their names placed on such list, and such list shall be the list of the electors for such election.

Preparation of voters' list for 1910

Before the name of any person shall be placed on the list he shall make and sign a statutory declaration in writing, before some person authorized to take such declarations, setting forth his name, address, occupation, and qualifications as aforesaid, which declaration shall be filed with the Returning Officer. Such list and declarations shall be open to inspection by any person within lawful hours.

Complaints
against list.

15. Any person may complain that his name is improperly omitted from the voters' list, or that any other name is improperly inserted thereon, and may apply to the Judge of the County Court of Atlin to have his name inserted thereon, or to have any names improperly inserted thereon struck off the said list. In such latter case reasonable notice, to be determined by the Judge applied to, shall be given to the person whose name is proposed to be struck off. The Judge shall hear and dispose of all such applications in a summary way, and the Returning Officer shall amend the list in accordance with the Judge's decision.

Returning Officer to
discharge certain
duties usually per-
formed by Municipal
Clerk.

16. The Returning Officer at said first election shall discharge the duties imposed upon Clerks of Municipal Councils by subsections (1) to (3), both inclusive, of section 51 and by subsection (1) of section 52 of the "Municipal Elections Act."

Returning Officer to
retain ballots, etc.,
until Municipal
Clerk appointed.

17. The Returning Officer, after the declaration of the poll, shall retain the ballot papers and boxes until a Clerk of the municipality shall be duly appointed, to whom he shall forthwith deliver the same.

First meeting
of Council.

18. The first meeting of the Council shall be held on the first Monday after the day of election, at the Provincial Government Building, Prince Rupert, aforesaid, at twelve o'clock noon.

Expenses of election.

19. All expenses attendant upon the said election shall be borne by the said municipality.

Validation of Order
in Council appoint-
ing Assessor and
Collector and Court
of Revision and
Appeal.

20. The Order in Council approved on the third day of February, 1910, appointing Arthur Cuthbert Assessor and Collector for the City of Prince Rupert, and appointing Alfred Carss, barrister-at-law, the Court of Revision and Appeal, to hear and determine all appeals against the assessment to be made by the said Assessor, is hereby ratified and confirmed, and the assessment roll for the year 1910 of all land and improvements in said city made or that shall be made by the said Assessor, and the proceedings of the said Court of Revision with respect to said assessment roll already taken or hereafter to be taken, are hereby ratified and confirmed: Provided, however, that nothing herein contained shall operate to prevent appeals against said assessment to the said Court of Revision and Appeal, and from the said Court of Revision and Appeal to the Judges and Courts mentioned in section 137 of the "Municipal

Validation of assess-
ment roll for 1910.

Proviso as to
appeals on certain
grounds.

Clauses Act," on the ground that the assessment is too high or too low, or that the name of any person has been wrongfully inserted in or omitted from said roll.

21. The taxes to be levied pursuant to said assessment shall be deemed to have been due and payable on the first day of January, 1910, and when collected the said city shall pay to the Government the proportion thereof, calculated at the Government rate, represented by the fraction of the year that shall elapse between said first day of January and the date of the incorporation of the city.

When taxes payable.

Certain proportions to be paid to Government.

22. Whereas certain moneys have already been disbursed and are yet to be disbursed by the Government in necessary municipal work in the territory embraced in said city, upon the understanding that the city, when incorporated, would repay the same not later than the first day of October, 1910, it is hereby declared that the said advances constitute a debt due from said city to the Government, payable not later than said date, with interest thereon at four per cent. from the date said advances were made until paid. The Council of the city is hereby empowered to pass a by-law for the issue of debentures sufficient, when sold, to repay said advances and interest. The said by-law shall not be submitted to the electors of the city for approval.

Repayment of advances made by Government.

23. It is hereby declared that the Grand Trunk Pacific Railway Company have, and shall continue to have, the first right to use the water of Branch Number One of Hays Creek for the purposes of their railway and steamships not exceeding forty miners' inches: Provided, however, that pending the installation elsewhere by the city of a permanent water system, the city shall have the right to use the waters of said branch of said creek not used by the Railway Company as aforesaid for the purpose of supplying the city with water. In the event of the Company wasting said water, or in the event of a shortage of water at any time within four years from the passage of this Act, or within such further period as the Lieutenant-Governor in Council may prescribe, the Lieutenant-Governor in Council, at the instance of the city, may intervene and regulate the use of such water by the Company and the city.

Declaration as to water rights of Grand Trunk Pacific Railway Company in Branch No. 1 of Hays Creek.

24. It is hereby further declared that the location of the streets in said territory embraced in said city, as shown on the registered plans of the Townsite of Prince Rupert, shall not be changed except with the consent of the Lieutenant-Governor in Council, and that the grades of the streets in said territory, as shown on the plans to be deposited in the Registry Office at Prince Rupert within six months from the coming into force of this Act, and duly approved by the Chief Commissioner of Lands and the Grand Trunk Pacific

Location and grades of streets as already fixed not to be changed except by consent of Lieut.-Governor in Council.

Town and Development Company, Limited, shall be adhered to, except when and to the extent that permission to depart therefrom shall be granted by the Lieutenant-Governor in Council.

Acquisition of
pole-line.

25. The city shall acquire from the liquidator of the British Columbia Tie and Timber Company the property of said Company in the electric-lighting plant, including pole-line and wires installed, erected, and strung by said Company in said city. The sum to be paid by the city for said property, if not arrived at by agreement, shall be settled by reference to arbitration under the "Arbitration Act."

Pipe-line of Grand
Trunk Pacific Rail-
way Company.

26. Notwithstanding the definition of "land" and "real property" contained in the "Municipal Clauses Act," the Grand Trunk Pacific Railway Company shall continue and remain the owner of the easement for its pipe-line as shown on the said registered plan of townsite; but in the exercise of the powers derivable from such easement, the Grand Trunk Pacific Railway Company shall observe and fulfil all the regulations of the City Council with reference to entering upon, breaking up, interfering with, and restoring the streets of said city, and the Company shall make compensation for any damage arising from said pipe-lines.

City empowered to
construct and oper-
ate telephone
system.

27. The city is hereby empowered to construct, erect, operate, and maintain a line or lines of telephone along, across, or under any of the streets, lanes, or bridges of the city; to purchase, lease, or otherwise acquire all the land necessary for the installation and operation of said system; and to pass by-laws from time to time, fixing a tariff of charges for the use of its telephones by subscribers, for the erection, connection, and use of its wires and telephones and the transmission of messages, and shall have full power to collect, sue for, and recover the charges to which it becomes entitled.

City may pay costs
of incorporation.

28. All proper costs of and incidental to the incorporation of the city may be paid by the city.

CHAPTER 55.

An Act to incorporate the Anglican Synod of the Diocese of Caledonia.

[10th March, 1910.]

WHEREAS in the year of our Lord 1879 the original Diocese of Preamble.
Columbia was divided by the Archbishop of Canterbury and the authorities of the Church of England in British Columbia into three dioceses, namely: "The Diocese of Columbia, the Diocese of New Westminster, and the Diocese of Caledonia:

And whereas in the Letters Commendatory signed and sealed on the eighteenth day of August, A.D. 1879, by the Archbishop of Canterbury, and countersigned by the Bishop of Columbia, the boundaries of the Diocese of Caledonia are defined and described as follows:—

North—The northern boundary of the Civil Province of British Columbia, namely: From the boundary separating British Columbia from Alaska along the sixtieth parallel of north latitude to the one hundred and twentieth parallel of west longitude:

East—Down the one hundred and twentieth parallel of west longitude to the fifty-fourth parallel of north latitude, being the eastern boundary of the Civil Province of British Columbia:

South—Along the fifty-fourth parallel of north latitude to the point where it intersects the Fraser River; along the right bank of the said river to Fort George, up Stuart River to the junction with the Nechaco River; along Nechaco River up to the watershed separating the headwaters of the said river from those of Salmon River; down the Salmon River to Dean's Canal; along the said canal to entrance of same:

West—From the entrance of Dean's Canal northwards to the sixtieth parallel of north latitude, being the western boundary of the Civil Province of British Columbia, inclusive of Queen Charlotte Islands and all other islands usually included in the said Province on such boundary-line:

And whereas a petition has been presented from the Synod of the Diocese of Caledonia praying that it may be incorporated, and it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Corporate name.

1. The Synod of the Diocese of Caledonia shall be and the same is hereby made and constituted a body politic and corporate under the name of "The Anglican Synod of the Diocese of Caledonia" (hereinafter called "the said Synod").

Members of the Synod.

2. The said Synod shall consist of the Lord Bishop of the Diocese, and his successors to be from time to time appointed in such manner as shall be provided by the said Synod, and of such other persons as are or may hereafter become members thereof according to the constitution and canons of the said Synod.

General powers.

3. The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as they shall think proper; and the said Synod may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Synod shall be able and capable in law respectively to purchase, take, hold, give, receive, enjoy, possess, and retain all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property which have been or hereafter shall be paid, given, granted, appropriated, devised, or bequeathed to it, or purchased or acquired by it in any manner or way whatsoever to, for, or in favour of the eleemosynary, ecclesiastical, or educational uses and purposes within the Province of British Columbia of the Church of England, or otherwise, including thereby the uses and purposes of any church, parish, mission, institution, school, or hospital connected with the Church of England in British Columbia.

Powers as to land and personalty.

4. The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Act, have power to sell, convey, exchange, alienate, mortgage, lease, or demise, or otherwise deal with any real or personal estate or property held by the said Synod, whether simply by way of investment or not; and the said Synod may also from time to time invest all or any of its funds and personal property which may be vested in or acquired by the said Synod for eleemosynary, ecclesiastical, or educational purposes, aforesaid, or otherwise, including the Episcopal Endowment Fund, in and upon any real securities in British Columbia, or in the public funds of the United Kingdom, of Canada, or any Province thereof, or in municipal bonds or debentures of any municipality within Canada, or in the bonds or debentures of any company the payment whereof is guaranteed by Government, or in any security for the time being authorized by law for the investment of trust funds, and generally shall have and enjoy the same and as large, full, and ample powers and rights as if it were a private person able and capable in law.

5. The said Synod shall, in case of land being held by it, be able, Roads. notwithstanding any trust affecting the same, to set apart a portion of such land for the purpose of making a road, or to make a free grant of a portion, not exceeding one acre in extent, for the purpose of a church building, cemetery, school, hospital, or any public object, freed from any trust affecting the same as aforesaid.

6. It shall be lawful for the Corporation of the Bishop of Caledonia, or any other corporation, or any person or persons, to transfer Bishop of Caledonia may transfer lands, etc., to Synod. any property, real or personal, held in trust by him or them for the aforesaid eleemosynary, ecclesiastical, or educational uses of the Church of England, or the Church of England in British Columbia, to the said Synod, to be held in trust for the same purposes.

7. The constitution, canons, and rules of order of the Diocese of Caledonia, as revised in the year of our Lord 1909, shall, until the Constitution of Synod. same be altered or amended, in accordance with such constitution and canons, by the Synod incorporated under this Act, be the constitution, canons, and rules of order for the said Synod incorporated under this Act.

8. The said Synod may exercise all its powers by and through Boards. such boards, committees, or officers as the said Synod may from time to time appoint for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.

9. The terms "the Church of England," or "the Church of England in British Columbia," or "the Anglican Church," in this Act, and in all deeds, instruments, and documents that have been heretofore or that may hereafter be executed, dealing with real or personal property within the Province of British Columbia, shall mean, unless a different construction is gathered from the deeds, instruments, or documents, and so far as the same affect the Diocese of Caledonia or the said Synod, that portion of the Anglican Church within the Province of British Columbia. Interpretation.

10. Any deed or document shall be deemed to be duly executed Execution of deeds and other documents. by the said Synod if the same has affixed thereto the seal of the said Synod, and the signatures of the Bishop for the time being of the Diocese of Caledonia or his commissary duly appointed, and the secretary for the time being.

11. The Bishop for the time being of the Diocese of Caledonia, Bishop of Caledonia a corporation sole. duly elected or acknowledged by the said Synod, or otherwise duly appointed and consecrated by lawful authority Bishop of the Diocese of Caledonia, shall be a corporation sole with perpetual succession,

retaining the name of the Lord Bishop of Caledonia, with full power to hold and acquire real and personal estate, and to sell, convey, lease, mortgage, deal with, or dispose of the same or any part thereof.

Execution of deeds
and other documents
by the Corporation
of the Bishop of
Caledonia.

12. Any conveyance of real estate or any interest therein vested in the Corporation of the Lord Bishop of Caledonia shall hereafter be deemed to be fully executed if the same has affixed thereto the seal of such Corporation verified by the signature of the Bishop for the time being of the Diocese of Caledonia, or his commissary duly appointed, and all deeds and documents whatsoever, if executed in the same way, shall be deemed to be properly and effectually executed.

British Columbia and Alaska Railway Company..10th March, 1910.
 British Columbia Central Railway Company.....10th March, 1910.
 British Columbia Fruit Lands Company and Kam-
 loops Fruitland Irrigation and Power Com-
 pany, Amalgamation of Water Rights.....10th March, 1910.
 British Columbia Mainland and Coast Industrial
 Company10th March, 1910.
 British Columbia Packers' Association.....10th March, 1910.
 British Empire Insurance Company.....10th March, 1910.
 Cariboo, Barkerville, and Willow River Railway
 Company10th March, 1910.
 Comox Logging and Railway Company.....10th March, 1910.

CHAPTER 64.

1903-4, c. 60.

An Act to amend the "False Creek Foreshore Act,
1904."

[10th March, 1910.]

Preamble.

WHEREAS the Corporation of the City of Vancouver has by petition prayed that it be enacted as hereinafter set forth:
 And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. Section 1 of the "False Creek Foreshore Act, 1904, Amendment Act, 1909," is hereby amended by striking out the word "February" in the fifth line thereof, and substituting therefor the word "November"; and by striking out the word "February" in the sixth line thereof, and substituting therefor the word "November."

2. This Act may be cited as the "False Creek Foreshore Act, 1904, Amendment Act, 1910." Amends s. 1.

Graham Island Railway Company.....*10th March, 1910.*
 Great West Permanent Loan Company.....*10th March, 1910.*
 Howe Sound, Pemberton Valley, and Northern Rail-
 way Company (Amendment).....*10th March, 1910.*
 Island Valley Railway Company.....*10th March, 1910.*
 Menzies Bay Railway Company.....*10th March, 1910.*
 Northern British Columbia Telephone Company..*10th March, 1910.*
 Northern Vancouver Island Railway Company....*10th March, 1910.*

CHAPTER 72.

An Act to confer upon the Council of the Corporation of the District of Oak Bay certain Powers in addition to those conferred by the "Municipal Clauses Act."

[*10th March, 1910.*]

WHEREAS a petition has been presented by the Corporation of the District of Oak Bay praying for the passage of an Act to confer upon the Council of the said Corporation certain powers in addition to those conferred by the "Municipal Clauses Act": Preamble.

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Interpretation.

1. In the construction of this Act the following expressions wherever used shall have the following meanings respectively unless the context otherwise requires:—

“The Corporation” shall mean the Corporation of the District of Oak Bay:

“The Reeve” shall mean the Reeve or Acting-Reeve of the Corporation of the District of Oak Bay:

“The Council” shall mean the Municipal Council of the Corporation of the District of Oak Bay:

“The said Act” shall be deemed to refer to and mean and include the “Municipal Clauses Act” and all amendments thereto:

“The municipality” shall mean the Municipality of the District of Oak Bay.

2. In addition to the corporate powers vested in the Council under the provisions of the said Act, there is hereby conferred upon the said Council the following powers:—

To charge frontage water rate.

(1.) To charge the owner or occupant of any house, tenement, lot, or part of a lot, or both, in the municipality, in, through, or past which the water-pipes or water-mains of the Corporation shall run, a frontage water rate, whether such owner or occupant shall use the water or not, having due regard in the assessment for any special benefit and advantage derived by such owner or occupant, or conferred upon his or their property by such water pipe or main, and the locality in which the same is situate; and such water rate, so charged as aforesaid, shall be considered a lien and charge unless paid upon such house, tenement, lot, or part of lot: Provided always that the rate in this section mentioned shall be in addition to any rate or rental chargeable under any by-law passed pursuant to the provisions of the said Act:

To borrow money for water-main.

(2.) To borrow or authorize the borrowing of such sums of money as may be required for the purchasing, laying, and constructing of water pipes and mains, subject to the provisions of section 68 of the said Act, but without the restrictions contained in section 81 of the said Act:

To prevent fouling of watercourses.

(3.) To prevent the obstruction or fouling of streams, watercourses, and drains, and for authorizing any municipal officers and workmen to enter in and upon any lands within the municipality for the purpose of cleaning or clearing any stream, watercourse, or drain, and to lay drains or sewerage pipes through any part of such stream or watercourse: Provided that any by-law passed under the provisions of this section shall declare that such right of entry or the necessity of laying any such drain is a public necessity:

- (4.) To regulate the speed of automobiles and other vehicles on public roads and streets within the limits of the municipality: To regulate speed of vehicles.
- (5.) To prohibit and regulate the discharging or firing of firearms in the municipality: To regulate firearms.
- (6.) To make, alter, and repeal by-laws for any of the purposes or in relation to matters coming within the classes of subjects mentioned in subsections one (1) to five (5) of this section: Provided, however, that the assent of the electors of the Corporation shall in manner provided by section 75 of the said Act be, and it is hereby declared to be, necessary to the validity of any by-law to be passed in relation to any of the matters or subjects mentioned in clause 1 of this section. Passing of by-laws.

3. The agreement recited and incorporated in a by-law finally passed after ratification by the electors of the municipality on the seventeenth day of January, 1910, known as the "Upland Farm By-law," of which by-law a true and correct copy is set forth in Schedule C to this Act, is hereby ratified and confirmed, and the Council shall have the power to adopt and carry into effect the said agreement and do all things necessary to enable the Council to carry out and confer the rights, franchises, and privileges in the said agreement or in the said by-law mentioned or referred to. Ratifying Upland Farm By-law.

4. The Council shall have power to borrow from any person, firm, or corporation, upon such terms as it shall think fit, the sum of money necessary for the purpose of repaying to William Hicks Gardner the cost of the water-main mentioned in clause 8 of the said agreement, and it shall not be necessary to obtain the assent of the electors to the passing of any such by-law under the provisions of the said Act, and no petition as required by section 69 of the said Act shall be necessary. Authorizing money for repayment cost of water-main to be laid by W. H. Gardner.

POWERS AS TO LOCAL IMPROVEMENTS GENERALLY.

5. The Municipal Council, for the purpose of effecting local improvements and works, the whole or a part of the cost of which it proposes to assess upon the real property specially benefited thereby, may, subject as hereinafter provided, pass by-laws for the following purposes:— Local improvement by-laws.

- (1.) For (a) opening, widening, extending, prolonging, altering the grade of or diverting any public street, lane, alley, or place, or opening up or establishing a new street in the municipality; or (b) constructing or reconstructing any bridge, culvert, subway, or embankment as part of any public street, lane, alley, or place, or any roadway or pave-

ment thereon; or (c) constructing, reconstructing, enlarging, or prolonging and extending any common sewer or drain into or through the lands of any owner other than the Corporation, and making all proper and necessary connections therewith:

- (2.) For (a) constructing, reconstructing, enlarging, or prolonging and extending any common sewer or drain, and constructing and making all proper and necessary private drains and connections therewith in and along any public street, lane, alley, or place or any part thereof; or (b) for constructing roadways, or macadamizing, planking, paving, or curbing any public street, lane, alley, or place; or (c) for resurfacing with wood-block pavement, asphalt, or other suitable material a pavement having a concrete foundation which in the opinion of the engineer is sufficient therefor; or (d) for constructing sidewalks or footways in, upon, and along any public street, lane, alley, or place, and for reconstructing any such roadway, curbing, or sidewalk, or footway, when the term of the special assessment therefor shall have expired, or the work or improvement shall be worn out; or (e) for setting apart a portion or portions of any public street or place for the purpose of a boulevard or boulevards thereon and therein, and for constructing and maintaining such boulevard or boulevards; or (f) for sodding any portion of and planting, maintaining, and caring for trees, shrubs, and plants upon and in any public street, square, or other public place:
- (3.) For constructing, extending, and maintaining all such mains, conduits, and pipes, and for constructing all such branch mains, conduits, and pipes, making connections with all buildings and premises, and constructing all such other works and doing all such other things as may be necessary for the supplying of water for public as well as for private use:
- (4.) For providing the means of ascertaining and determining the probable cost of every such work, improvement, or service above mentioned:
- (5.) Subject as hereinafter provided, for providing the means of ascertaining and determining what real property will be benefited by the construction and carrying-out of any of the above-mentioned works, improvements, or services; what portion thereof is liable for special assessments therefor, and what portion thereof (if any) is exempt from such special assessment; what proportion or amount of the cost of any such proposed improvement, work, or service is to be assumed and borne by the Municipal Corporation as its share or part thereof, and what proportion or amount

thereof is to be charged against and specially assessed upon the assessable real property benefited thereby; the proportion in which the assessment of that part of the said cost which is chargeable against the real property benefited is to be made upon the various portions of real property benefited thereby; the time to be allowed for the payment of any debt which may be created for the purposes of any such improvement, work, or service, and the number of annual special assessments which will be imposed to pay the interest upon the said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt, as the case may be:

- (6.) Subject also as herein provided, for assessing the cost of any such improvement, work, or service or such portion of the cost thereof as may be permitted by this Act upon the real property to be benefited thereby, and for levying and collecting such cost or such portion thereof by an annual special rate upon the said real property according to the frontage thereof:
- (7.) For regulating the time or times and the manner in which the special assessments to be levied and collected under this section are to be paid, and for arranging the terms upon which the owners and other persons liable to pay the same may commute by the cash payment of their proportionate shares of the cost of any such work, improvement, or service in principal sums:
- (8.) For effecting any of the improvements, works, or services mentioned above with funds provided by persons desirous of having the same effected:
- (9.) No local improvement by-law shall be passed by the Council for the purpose of assessing any part of the proposed cost of any improvement or work upon the real property specially benefited thereby, in the event of the portion of the proposed cost of such improvement or work which is to be assessed upon the real property benefited, together with the cost of any other work or improvement assessed against such real property under any other local improvement by-law, exceeding forty per cent. of the assessed value of the real property proposed to be assessed: Provided, however, that such portion of the cost of any local improvement work assessed against any real property benefited thereby as may from time to time be paid to the Corporation in respect of the real property so assessed shall not be taken into account in ascertaining such forty per cent. of the assessed value of the real property proposed to be assessed under any other local improvement by-law.

By-laws.

6. Instead of passing individual by-laws, the Municipal Council may pass one by-law for several local improvement works, giving the same information concerning each of such works as would be given in the several individual by-laws, and the passing of one by-law covering several distinct works shall not in any way invalidate the said by-law.

Common sewers,
how cost to be
borne.

7. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the Council. The Council shall also provide, in connection with all sewers and roadways, the cost of all culverts and other works necessary for street surface drainage, and may also, in the case of roadways and sidewalks, provide the cost of that part of every work, improvement, or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or made opposite real property which by any general or special Act is exempt from special or local assessment.

How special rate
assessed and levied.

8. (1.) The special rate to be so assessed and levied shall be an annual rate, according to the frontage thereof, upon the real property immediately benefited by the work or improvement.

(2.) If in any case the first assessment for any such work or improvement proves insufficient, the Council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys have been realized to pay for such improvement or work; and if too large a sum has at any time been raised, the excess shall be refunded rateably to those by whom it was paid.

(3.) Provided that, instead of assessing and levying by a frontage rate, the Council may by by-law provide that the cost of the local improvement therein specified may be assessed and levied by a special rate upon the lands benefited thereby, according to the proportion of benefit received therefrom, instead of by a frontage rate.

Repairs to be
at expense of
Corporation.

9. Nothing contained in the three next preceding sections shall be construed to apply to any work of ordinary repair or maintenance during the estimated lifetime of the work of local improvement, and all works or improvements constructed under the said sections shall during such estimated lifetime be kept in a good and sufficient state of repair at the expense of the municipality generally:

Provided that nothing herein contained shall be construed to affect the liability of the Corporation for injuries to persons or property, but such liability shall continue even after the expiration of such estimated lifetime.

By-laws for deter-
mining what real
property benefited
by local improve-
ment.

10. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 5 if the Council shall have passed or shall pass a general by-law or general by-laws providing

the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the whole or any part of the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned.

MODE OF INITIATING LOCAL IMPROVEMENT WORKS.

(1.) *By Petition.*

11. (1.) Upon the receipt of a petition praying for any of the works and improvements mentioned in section 5 of this Act, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the Corporation, such owners representing at least one-half in value of such real property (the number of such owners and the value of such real property as appears by the last revised assessment roll as aforesaid having been first ascertained and finally determined in the manner and by the means provided by by-law in that behalf), the Council may take all proper and necessary proceedings for the execution and completion of the work or improvement with as little delay as possible.

Mode of initiating local improvement works.

(2.) *On Sanitary Grounds.*

(2.) If the Council affirm by vote of two-thirds of all the members of the Council at any regular meeting thereof that it is desirable and necessary in the public interest to construct, make, enlarge, or prolong a drain, sewer, or sewers for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement, it shall not be necessary for the Council to give notice of the proposed assessment for such local improvement, except the notice required by subsection (3) of section 14 of this Act of the sitting of the Court of Revision for the purpose of hearing complaints against such proposed assessment.

(3.) *On the Initiative Method.*

12. (1.) Any work or improvement mentioned in section 5 of this Act may be undertaken and the assessment of the cost thereof may be made upon the properties benefited thereby, unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the Council against the same within one month after the last publication of a notice of the intention of the Council to undertake the said work; such notice to be inserted once

in each week for two weeks in one newspaper published in the City of Victoria, and any number of different works or improvements may be included in one such notice and shall stand good for any one or more that may not be petitioned against which the Council may determine to proceed with:

- (a.) In addition to being given publication as provided in the next preceding paragraph, the notice of the intention of the Council to undertake any work as a local improvement shall be served by mailing the same to the present or last-known place of abode of the owners of the properties benefited thereby; and a declaration of the officer or person charged with the duty of giving any such notice that the same was mailed as stated in the declaration shall be accepted as conclusive evidence of the proper service thereof:
- (b.) It shall be sufficient if the notice of the proposed work or improvement, by a general description, describes the street, lane, alley, or place or the portion thereof whereon or wherein and the points between which the same is to be made or done, and the street, lane, alley, or place or portions thereof upon which the real property benefited and proposed to be specially assessed fronts or abuts, and the number of such annual special assessments. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement or to impose a rate upon such real property by any description other than that hereinbefore mentioned.
- (2.) In the event of any sufficiently signed petition as aforesaid against the proposed work or improvement being presented to the Council, no second notice for the same shall be given by the Council within two years thereafter: Provided, however, that a notice may be given within such two years if such notice is for a different kind of pavement, or for a less expensive pavement though of the same kind, than the one included in the notice previously given.
- (3.) The number of the owners petitioning against the proposed improvement or work, and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf.
- (4.) When notice of a proposed improvement, work, or service to be paid for by special assessment as a local improvement has been given by the Council pursuant to the provisions of this Act, and no petition sufficiently signed as aforesaid has, within the time limited in that behalf by this Act, been presented to the Council against such proposed improvement, work, or service and assessment, it shall be lawful for the Council, in the same or any succeeding year, to carry on the proposed work, improvement, or service to completion before making the assessment therefor:

(a.) A notice so given shall stand good as the authority for undertaking any such work, improvement, or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the Council giving such notice or by any succeeding Council.

(5.) Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 5 to 20 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll of the municipality, petition for or against such local improvement upon satisfying the Clerk of the municipality, by statutory declaration or otherwise, that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll.

Short Form of Local Improvement By-laws.

13. (1.) Where a by-law made according to the form set forth in Schedule A annexed to this Act, or any other by-law expressed to be made in pursuance of this section or referring thereto, passed by the Council for borrowing money by the issue of debentures secured by local special rates on the property benefited thereby, contains any of the forms of words contained in column one of Schedule B hereto annexed and distinguished by a number therein, such by-law shall be taken to have the same effect and shall be construed as if it contained the form of words contained in column two of said Schedule B, and distinguished by the same number, but it shall not be necessary in any such by-law to insert any such number.

Form of local improvement by-laws.

(2.) Any by-law which fails to take effect by virtue of this section shall, nevertheless, be as effectual to bind the Corporation, the Council of which passed such by-law, as if this Act had not been passed.

(3.) Nothing herein contained shall require the Corporation to adopt the said form of by-law.

Notice may be given in lieu of Advertising By-law.

14. (1.) No by-law passed under the provisions of section 5 of this Act shall require to be advertised in any newspaper, but a written or printed, or partly written and partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or to the agents of such owners and lessees.

By-laws need not be advertised.

Contents of Notice and how served.

(2.) Every such notice shall contain a general description of the property in respect of which the same is given, and the nature of the

improvement, work, or service, the estimated or actual cost thereof, the amount of the frontage of the particular piece of property, and the time and manner in which the special assessment is to be payable, and shall be signed by the clerk, assessment commissioner, or other officer appointed by the Council for the purpose, and shall, at least fifteen days before the day appointed for the sitting of the Court, be mailed to the address of the person entitled to receive the notice. Ten days' notice of the time and place of the meeting of the said Court shall also be given by publication in some newspaper having a general circulation in the municipality, which notice shall specify generally what such assessment is for and the total amount to be assessed.

(3.) The said notice may be in the form or to the effect following:—

Take notice that the Council of the Corporation of the District of Oak Bay intends to construct [or has constructed, *as the case may be*] [describing the work or improvements] on [or in] Street, between [describing the points between which the work or improvement is to be made or done], and intends to assess the final cost [or a portion of the final cost, *as the case may be*] thereof upon the real property to be immediately benefited thereby fronting or abutting upon [give the name or names of the street, lane, alley, or place, or streets, lanes, alleys, or places, and the points between which the real property fronts or abuts, upon which the proposed special assessment is to be made, and the annual rate per foot on the frontage upon each street and the number of such annual assessments], and that a statement showing the lands liable to and proposed to be specially assessed for the said improvement [or work] and the names of the owners thereof, so far as the same can be ascertained from the last revised assessment roll and otherwise, is now filed in the office of the Clerk of the Corporation, and is open for inspection during office hours. The cost [or estimated cost, *as the case may be*] of the improvement [or work] is \$ (of which \$ is to be provided out of the general funds of the Corporation).

A Court of Revision will be held on the day of 191 , at the hour of , at the [insert the place of meeting], for the purpose of hearing complaints against the proposed assessment or the accuracy of frontage measurements or any other complaint which the persons interested may desire to make and which is by law cognizable by the Court.

Dated

.....
Clerk.

(4.) The Council shall, for the purpose of making the special assessment for the cost of any work, improvement, or service, procure a measurement to be made of the frontages liable to assessment for such cost and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment keep a statement of the same open for inspection in the office of the Clerk of the Corporation.

Appeals to a Court of Revision and to a Judge.

(5.) From any such assessment or proposed assessment there shall be the right of appeal to the Municipal Council or any committee thereof, by by-law duly appointed, sitting as a Court of Revision, and from the Court of Revision to a Judge of the Supreme Court, or to the Judge of any County Court having jurisdiction within the Municipality. The Court of Revision and the Judge shall have power to revise and alter assessments, and to correct any errors in the names of the owners or in the frontage measurements of the properties assessed or caused by the omission of property which should be assessed, and to determine the proportion of assessment of corner lots or triangular or other irregular pieces of land, and the proportion of the cost to be borne by the Corporation where the cost exceeds the estimates by ten per cent., and also whether or not the property is or will be benefited by the work or improvement, and the proceedings thereon shall be the same (as nearly as practicable) as in the case of appeals from ordinary assessment under the "Municipal Clauses Act."

(6.) Wherever an appeal lies from the Court of Revision to a Judge of the Supreme Court or to the Judge of any County Court having jurisdiction within the municipality, under sections 5 to 20 inclusive, the said Judge, in addition to his other powers under this Act, may inquire and determine what lands (if any) other than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement, and may add such lands to the lands to be assessed, notwithstanding that such lands may not have been specified in any notice of appeal to the said Judge; and the said Judge shall cause all persons who may be affected by the addition of their lands to the lands so to be assessed to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose from time to time adjourn the hearing of the said appeal.

When Assessment becomes Final.

(7.) The assessment referred to in the two preceding subsections, unless so far as the same is altered or varied by the Court of Revision or a Judge of the Supreme Court, or a Judge of the County Court therein mentioned upon appeal, shall be final and conclusive as to all matters therein contained.

(8.) Where the proposed assessment has been regularly brought before a Court of Revision and a Judge of the Supreme Court or a Judge of the County Court aforesaid (in case there has been an appeal to such Judge), it shall not be necessary to submit to another Court of Revision the by-law for the actual cost of the work or improvement when such actual cost does not exceed by more than ten per cent. the estimated cost thereof as submitted to the Court of Revision.

Power to incur Debts for the Cost of Local Improvements.

Council may incur debts for cost of local improvements.

15. (1.) The Council may make arrangements with any bank, or with any person or body corporate, for temporary advances and loans for meeting the cost of the work or improvements until the completion thereof, and may in their option make the special assessments for the cost thereof after the work or improvement has been completed, and may then pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

(2.) Every by-law passed under the provisions of this Act for borrowing money by the issue of debentures as aforesaid shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the engineer, or other proper officer to be appointed by the Council for that purpose.

(3.) If a debt has been incurred by the Corporation for any work done or improvement constructed under the provisions of this Act, and if after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in making such assessment or passing such by-law, it shall be lawful for the Council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement.

(4.) Nothing herein contained shall be construed as authorizing any assessment to be made, or any work or improvement to be undertaken, unless the same has been initiated in some one of the four methods by law provided, namely:—

- (a.) Either on the report of the engineer or other sanitary officer, and of a committee of the Council, adopted by the Council, recommending the proposed work or improvement for sanitary or drainage purposes; or
- (b.) On a sufficiently signed petition of the owners of the real property to be benefited; or
- (c.) After due notice, as above provided, of the proposed assessment and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited being presented to the Council against the proposed assessment within the time limited therefor.

Council may pass by-law to settle for work done, though not in strict compliance with contract.

16. The Council shall have power to pass a by-law to agree and settle as upon a quantum meruit with any contractor or contractors for any work which has been done or shall be done as a local improvement, where it shall consider the work to have been performed

sufficiently for the purposes of such local improvement, although not in strict compliance with the contract, and the amount so agreed upon and fixed shall be the amount, or part of the amount, as the case may be, for which an assessment may be made upon the properties benefited by such local improvement: Provided that nothing herein shall be construed to enlarge or extend the rights (if any) of any contractor as against the Corporation, unless the Council thereof shall see fit to pass a by-law hereunder, and then only subject to the terms of such by-law.

SPECIAL PROVISIONS AS TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

(1.) *As to Sewers.*

17. (1.) In ascertaining and determining the cost of draining any locality or of making and laying or prolonging any common sewer, the Council may estimate the cost of the construction of branch drains from the drain or sewer to the line of street, and may, in making the assessment for such drains or sewers, include the cost of such branch drains as part of the cost of the local improvement, or may assess and levy the cost thereof by a special rate upon the lands benefited thereby instead of by a frontage rate. The provisions of this section shall apply to sewers heretofore constructed as well as to those hereafter constructed. Special provisions.

(2.) Where, in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer is proposed to be or is constructed, such sewer is proposed to be or has been constructed of a larger capacity than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, the Council may impose a special assessment upon any other real property benefited by the construction of such sewer in the manner provided by sections 18 and 19 of this Act.

(3.) In the case of common sewers already constructed or hereafter constructed out of the general funds of the Corporation, the Municipal Council shall, upon a resolution of the Council supported by two-thirds of the members of the Council being passed, and without any special notice being published or served upon the owners, have the right at any time to construct branch drains from such sewers to the line of the street as a local improvement, without any petition or other authority than such resolution therefor, or may assess and levy the cost thereof by a special rate upon the lands benefited thereby instead of by a frontage rate. The amount to be assessed and levied upon each adjoining property, or upon the lands benefited thereby, shall be the cost of construction of the branch drain from the centre of the street to the line along the adjoining property, whether the sewer be laid on the centre or side of the street.

As to Pavements.

(4.) In case the Council is about to construct, renew, or alter the character of a pavement on any street, highway, or public place, or portion thereof, as a local improvement, the Council may, before putting down such pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof to the street-line on each side of the drain or sewer, and also all necessary water-mains, and may assess and levy the cost thereof, and of any alterations of service-pipes and stop-cocks thereby necessitated, against the properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 5 of this Act.

As to Corner and Irregular Lots.

(5.) The Council may, by by-law, provide an equitable mode of assessing for local improvements, works, and services, corner lots, triangular or other irregular-shaped pieces of land situate at the intersection or junctions of streets, having due regard to the situation, value, and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works, and services, and may charge the amount of any allowance made on any such lot or piece of land on the other real property fronting on the improvements, or may assume the same as a portion of the Corporation's share of the works or improvements. Any such assessment shall be subject to appeal to the Court of Revision, and from the Court of Revision to a Judge of the Supreme Court or a Judge of the County Court, as in this Act provided.

Lands on same Street unequally benefited.

(6.) Where the lands on either side of a street, lane, or alley in the municipality are, in the opinion of the Council, unfit from any cause for building purposes, and the Council deems it inequitable to assess the same for local improvements at so high a rate as the building lots fronting on said street, lane, or alley, the Council shall in all such cases determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively.

Lands fronting on Parks, Boulevards, etc.

(7.) Real property adjoining and fronting on any park, square, public drive, or boulevard shall be specially assessable for and in respect of the improvements, works, and services made, done, or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street; but where

a public park, square, drive, or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works, and services to the extent to which such lands are specially benefited by such improvements, works, and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation, at least one-half of the cost of such improvements, works, and services shall be borne by the Corporation generally:

- (a.) No petition shall avail to prevent the carrying-out of any local improvement, work, or service in any such park, square, drive, or boulevard, and the making of special assessments therefor as aforesaid.

BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Property not Fronting or Abutting may be assessed.

18. (1.) Where, in the opinion of the Council, it is expedient and necessary to construct or repair bridges or culverts on any street, lane, or alley, or to open up or extend any street, lane, or alley, within the limits of the municipality for the more immediate convenience or benefit of any locality within such limits, and the Council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvements on the lands fronting thereon, the Council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion (if any) of the cost of the improvement, which shall be assumed by the Corporation as its share thereof:

Bridges, culverts,
sidewalks, etc.

- (a.) The share or proportion of the cost of such improvement assumed by the Corporation may be provided for by the issue of debentures upon the credit of the Corporation at large in like manner as in the case of the share of the Corporation of other local improvements:

- (b.) All assessments made under the above provisions shall be subject to an appeal to the Court of Revision, and from the Court of Revision to a Judge of the Supreme Court or a Judge of the County Court, in like manner as in the case of other special assessments for local improvements under the provisions of this Act.

(2.) In case of the construction or repair of a bridge or culvert, or the opening-up or extension of any street, lane, or alley (if the Council determines that any real property other than that fronting or abutting on the street, lane, or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and determines the proportion in which the cost of the

improvement shall be assessed against the land so benefited), the Council shall assess and levy the proportion of the cost chargeable against the lands benefited by, but not fronting or abutting upon, such street, lane, or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, or the portion thereof whereon or wherein the improvement is made or to be made.

(3.) Or the Council may, by by-law, provide that the costs of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate as hereinbefore provided.

When Corporation may contribute Part of the Cost of Bridges, etc.

19. In any case where a Council affirms by a two-thirds vote thereof that the constructing, erecting, or making of any bridge, culvert, or embankment benefits the Corporation at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the Council may pass a by-law for borrowing money by the issue of debentures upon the credit of the Corporation at large to provide, as the Corporation's share of the cost of such improvement or work, an amount not exceeding one-half of the whole cost thereof; and any such by-law for borrowing money to provide the Corporation's share of the cost of such improvement or work shall require the assent of the electors of the municipality under the provisions of section 75 of the "Municipal Clauses Act."

Sidewalks constructed by Private Owners.

20. The Council may permit the owner or owners of lands to build on or improve the sidewalk in front of his or their lands, under the direction of the Council or an officer thereof appointed for that purpose, and according to such plans and regulations as the Council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as they keep the same in repair to the satisfaction of the Council.

Cost of Local Improvements opposite Street Intersections or Exempt Properties.

21. (1.) In case of a special assessment being made on property benefited by any local improvement, the Council (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the Corporation, such part of the local improvement as is situate upon or in that part of any street, lane, alley,

public place, or square which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment; and the Council may provide for the cost thereof in the general rates or taxes for the year, or by the issue of debentures, or in such other manner, not inconsistent with the provisions of this Act or of the "Municipal Clauses Act," as to said Council may seem best, and subject to such by-laws as the Council may pass in that behalf:

(2.) The by-law authorizing the issue of the debentures shall be submitted for the assent of the electors of the municipality in accordance with section 75 of the "Municipal Clauses Act," and the debentures issued to pay for that part of the work payable by local assessment may, if the Council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the Corporation, or all the debentures required for the work may be issued in one series, as "local improvement debentures."

EXEMPTION OF LOCALLY ASSESSED PROPERTIES FROM GENERAL RATES
FOR LIKE PURPOSES.

22. (1.) Any real property specially assessed by the Council for any local improvement or work under this Act shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment, and such exemptions shall be upon the value of the lands only and not on the improvements thereon.

(2.) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the Council.

(3.) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the Council may accede to the proposal for an arbitration.

(4.) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by a Judge of the Supreme Court or a Judge of the County Court having jurisdiction within the municipality, unless some person or persons is or are agreed to in that behalf by the petitioners and the Council.

(5.) Where by reason of a special assessment the owners are exempted from a general rate for the like purpose as aforesaid, the Council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the

general rate is for purposes for which there is special assessment in any part of the Corporation, and shall state the same in such manner as may give effect to this section.

(6.) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the municipality.

**MUNICIPALITY'S SHARE OF LOCAL IMPROVEMENT DEBTS MUST BE
RAISED WITH ASSENT OF ELECTORS.**

Council may pass all by-laws to raise loans for local improvements, etc.

23. (1.) The Council may pass all by-laws necessary from time to time to raise loans and borrow money required for its share of any local improvements and works on the credit of the Corporation at large; but it shall be necessary to obtain the assent of the electors to the passing of any such by-law under the provisions of section 75 of the "Municipal Clauses Act."

Ratepayers' Share may be raised without Assent of Electors.

(2.) The Council may pass all by-laws necessary from time to time to raise loans and borrow moneys required for the share of any duly authorized local improvement works payable by local assessment upon debentures (called "local improvement debentures") secured by local special rates on the property benefited thereby; and it shall not be necessary to obtain the assent of the electors to the passing of any such by-law under the provisions of the "Municipal Clauses Act," and no petition as required by section 69 of the "Municipal Clauses Act" shall be necessary.

Ratepayers' Share not to be counted as Part of General Debt of the Municipality.

Debentures issued under local improvement by-law not part of general debt.

(3.) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of the Corporation within the meaning of the "Municipal Clauses Act," and it shall not be necessary to recite the amount of the local improvement debt so assured by special rates or assessments in any by-law for borrowing money by local special rates on the property benefited thereby; and it shall be sufficient to state in any such by-law that the amount of the general debt as therein set forth is exclusive of local improvement debts secured by special rates or assessments.

Municipality may guarantee Debentures.

(4.) In the case of by-laws passed or to be passed for works payable by local assessment, the Council may, in order to facilitate the

negotiation of debentures issued thereunder, either for the part of the work payable by local assessment or for that part of the work payable by the Corporation, and to add to their commercial value, declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything contained in clause (d) of section 71 of the "Municipal Clauses Act" to the contrary notwithstanding.

Municipality may guarantee Debentures.

(5.) In order to obviate difficulty in negotiating local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts, the Council may from time to time, after the passing of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, pass a collective or cumulative by-law consolidating the said several amounts, and may issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance.

(6.) If the Council desires to avail itself of the provisions of the preceding subsection, it shall insert in each such by-law a clause intimating that the amount of the debentures to be issued thereunder is subject to consolidation; and in such case it shall be sufficient to state in the said individual by-law that debentures to be issued thereunder shall be issued at so many years from the date of issue of the same without defining a specific date.

EXTENSION OF LOCAL IMPROVEMENT SYSTEM.

Sweeping, lighting, and watering Streets.

24. (1.) The Council may pass by-laws for raising, upon the petition of at least two-thirds of the persons resident in any street, square, alley, or lane, or any portion of any street, square, alley, or lane, whose names appear upon the last revised assessment roll as freeholders or tenants of the assessed real property therein representing in value one-half of the assessed real property, such sums as may be necessary for sweeping, watering, or lighting the street, square, alley, or lane, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council; but the Council may charge the general corporate funds with the expenditure incurred in such sweeping, watering, or lighting as aforesaid.

Council may pass by-laws for sweeping, watering, and lighting streets.

Define areas which
should be watered,
swept, and lighted.

(2.) The Council may also, by by-law, designate certain streets or parts of streets, or define certain areas or special sections, within the municipality in which the streets should be watered, swept, and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council, in order to pay any expenses incurred in watering, sweeping, or lighting such streets.

Cutting Grass and Weeds—Trimming Trees or Shrubberty.

Cutting grass and
weeds, etc.

(3.) The Council may also include in either of the foregoing by-laws the cutting of grass and weeds and trimming the trees or shrubberty on any street, square, alley, or lane, and otherwise cleaning the same.

Removing Snow, Ice, and Dirt.

Removing snow, ice,
and dirt.

(4.) The Council may also, by by-law, define certain areas or sections within the municipality in which all snow, ice, and dirt and other obstructions shall be removed from the sidewalks, streets, lanes, or alleys in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or other obstruction.

25. Section 50, subsection (128), and section 258 and amendments of the "Municipal Clauses Act" shall not apply to the Corporation, but all other sections of the "Municipal Clauses Act" and amendments thereto shall apply, except when the provisions of the said Acts are inconsistent with or repugnant to the provisions of this Act.

26. This Act may be cited as the "Oak Bay Act, 1910."

SCHEDULE A.

SHORT FORM OF LOCAL IMPROVEMENT BY-LAW.

A BY-LAW TO PROVIDE FOR BORROWING MONEY BY THE ISSUE OF DEBENTURES SECURED BY LOCAL SPECIAL RATES ON THE PROPERTY FRONTING OR ABUTTING ON [STREET BETWEEN STREET AND STREET] FOR THE PAVING OF SAID PORTION OF SAID STREET.

(Passed , 191 .)

Whereas, upon the recommendation of the Engineer of the Corporation and in the opinion of the Council of the Corporation of the District of Oak Bay, it became desirable and necessary to pave with asphalt paving and stone curbing [or as the case may be] part of Street, between Street and

Street, as a local improvement, and the said Council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property front-

ing or abutting upon Street, within the limits hereinafter described, pursuant to the provisions of the Statutes in that behalf:

And whereas, although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment:

[*Or in lieu of the above two recitals, if the work is petitioned for, use the following*]:—

Whereas Street, between Street and Street, paved with asphalt paving and stone curbing:

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say:—

- (1.) Commencing at a point on the north side of Street at its intersection with the east side of Street; thence easterly along the north side of Street feet, more or less, to the west side of Street, being the frontage on the north side of Street, from Street to Street, producing, after deducting the width of feet for street intersections and exempt properties, as shown by the statement of the frontage liable for assessment as finally settled, feet, more or less, of frontage assessable on the north side of the street:
- (2.) Commencing at a point on the south side of Street at its intersection with the east side of Street; thence easterly along the south side of Street feet, more or less, to the east side of Street, being the frontage on the south side of Street, from Street to Street, producing, after deducting the width of feet for street intersections and exempt properties, as shown by the report of the Engineer of the Corporation, feet, more or less, of frontage assessable on the side of the street; or a total of feet, more or less, of assessable property on both sides of Street aforesaid,—

is immediately, directly, equally, and especially benefited by the said improvement:

And whereas the total assessed value of the said property is \$:

And whereas the said pavement has been laid, and the total cost thereof is the sum of \$, of which amount the [Corporation] disburses the sum of \$, being the cost of laying down the said pavement opposite the said street intersections and exempt properties [*add and flankages if flankages are allowed by a by-law of the Corporation*]; and the remaining \$ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law:

And whereas it will require the sum of \$ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$ to be raised annually during the said period for the payment of the debt to be created by this by-law, such last-mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of \$ to be raised annually as aforesaid:

And whereas there are feet of frontage of the said assessable real property on both sides of [Street], within the limits aforesaid according to the said description, immediately, directly, equally, and specially benefited by the said improvement and work, upon which it will be required to charge an annual special rate per foot sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of \$ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only [*or, if the deben-*

tures are to be guaranteed by the Corporation at large, substitute for all the words after the word "by-law" the following: "and further guaranteed by the said Corporation at large"]:

And whereas it is expedient to raise the said sum of \$ by debentures of the Corporation of the District of Oak Bay to defray that part of the expense of said work payable by local special rates:

Therefore, the Council of the Corporation of the District of Oak Bay enacts as follows:

SCHEDULE B.

SHORT CLAUSES FOR LOCAL IMPROVEMENT BY-LAWS.

1. Insert in the blanks in the short forms the number of years in which the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot, and other particulars.

Column One.

1. During years \$
shall be raised for interest and
\$ for debt, making together
\$.

2. A special rate of per
foot is imposed on each foot of
above-described property to produce
\$, and shall be collected by
collector of taxes as other rates.

3. During years, commenc-
ing with 19 , above-described prop-
erty shall be exempt from general
rates for improvements.

Column Two.

1. During years the cur-
rency of the debentures to be issued
under the authority of this by-law,
the sum of \$ shall be raised
annually for the payment of interest
on said debentures, and also the sum
of \$ shall be raised annually
for the payment of the debt, making
in all the sum of \$ to be raised
annually as aforesaid.

2. A special rate of per foot
is hereby imposed on the real prop-
erty above described, according to the
frontage thereof, over and above all
other rates and taxes, which special
rate shall be sufficient to produce in
each year the said sum of \$,
and shall be annually inserted on the
Collector's roll for Ward Number
Two in each year for the next suc-
ceeding years, and shall be
payable to and collected by in
the same way as other rates on the
said roll.

3. During the period of
years, commencing from and after
the first day of January, A.D. 19 ,
the said above-described real prop-
erty shall be exempt from all gen-
eral rates or assessments for im-
provements, and works similar to
those above mentioned, save and
except the costs of similar works
and improvements at the intersec-
tion of streets, and except such por-
tion of the general rate as may be
imposed to meet the costs of like
works and improvements opposite
real property which is exempt from
such special assessment.

Column One.

4. \$ shall be raised by loan on above special rate, and debentures therefor shall be issued.

5. Debentures shall be payable years after issue, and shall bear per cent. interest.

6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

7. Owners may commute assessment by paying per foot in first year, and a proportionately reduced rate for the years collected.

Column Two.

4. The sum of \$ shall be raised by loan by this Corporation on the security of the special rate hereby imposed, and on that security only; and debentures amounting to the sum of \$ shall be issued by the said Corporation therefor.

[If the debentures are to be guaranteed by the Corporation, add after the word "issued," in the first column, "guaranteed by the Corporation," and after the word "only," in the second column, "and further guaranteed by the Corporation at large."]

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America, or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works, and in no other way and for no other purpose whatsoever.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her, or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she, or they may so commute by the payment of per foot on his, her, or their property on Street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

Column One.

8. Moneys received from special rate or commutation shall be invested.

9. Debentures shall be subject to consolidation.

10. This by-law to take effect now.

Column Two.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under the preceding section of this by-law shall be invested by the Treasurer of this Corporation from time to time, as the law directs.

9. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

10. This by-law shall come into operation and take effect on the day of the passing hereof.

SCHEDULE C.

A BY-LAW

AUTHORIZING AND SANCTIONING AN AGREEMENT WITH WILLIAM HICKS GARDNER FOR IMPROVING LANDS KNOWN AS "UPLAND FARM," AND THE ASSESSMENT OF THE SAID UPLAND FARM FOR THE TERM OF TEN (10) YEARS.

Whereas the Corporation of the District of Oak Bay has arranged an agreement with William Hicks Gardner providing that the assessment of certain lands referred to in the said agreement and known as "Upland Farm" shall not be assessed during the years 1910 to 1919, inclusive, for a larger amount than two hundred and seventy-nine thousand dollars (\$279,000) in each year, in consideration of the said William Hicks Gardner improving the said Upland Farm as provided in said agreement, and spending at least the sum of two hundred and fifty thousand dollars (\$250,000) on such improvements, which arrangement is set forth in an agreement submitted to and approved by the Council and already executed by William Hicks Gardner, which agreement is in the words and figures following:—

"THIS INDENTURE, made the twenty-seventh day of December, in the year of our Lord 1909,

"Between,

"THE CORPORATION OF THE DISTRICT OF OAK BAY (hereinafter called 'the Corporation'), of the first part;

"and

"WILLIAM HICKS GARDNER, of the City of Winnipeg, in the Province of Manitoba (hereinafter called 'the Second Party'), of the second part.

"Whereas the Second Party is assessed by the Corporation as the owner of certain lands and premises situate in Victoria District, in the Province of British Columbia, within the municipal limits of the District of Oak Bay, known as and hereinafter referred to as 'the Upland Farm' (full particulars whereof are contained in the Schedule hereto), which lands, except certain parts thereof reserved to the Hudson's Bay Company, the said William Hicks Gardner has agreed to purchase from the Hudson's Bay Company:

"And whereas the plan marked 'A' and deposited with the Clerk of the Corporation is a preliminary plan of subdivision of said Upland Farm prepared by the Second Party and approved by the parties hereto, on the understanding that a final plan or plans not materially differing from the plan deposited shall be substituted on or before the first day of July, 1910, on which plans all the proposed private roads and streets shall be shown as Lot 'X':

"And whereas it is intended by the Second Party that the Upland Farm shall be a first-class residential district, and to carry out said intention certain restrictions and limitations are to be incidental to and conditions precedent to the purchase and ownership of any lots according to said plans:

"And whereas it is further intended that there shall be a Board of Trustees for such Upland Farm, to whom is to be entrusted the management, regulation, and control of the same:

"And whereas the Second Party intends to use the lot shown on the said plan and thereon designated as Lot 'X' for the purposes of private roads, subject to such restrictions, regulations, and limitations as may be imposed by the Second Party or by the owners of the said Lot 'X,' or by the Board of Trustees as hereinbefore referred to, but does not intend to dedicate the said-mentioned lot to the public or to the Corporation as public roads or streets, except as hereinafter provided:

"And whereas, according to the last revised assessment roll of the Corporation, the said Upland Farm was assessed at two hundred and seventy-nine thousand dollars (\$279,000):

"And whereas the Second Party, being desirous of improving the said Upland Farm before disposing of or selling any of the lots in the said subdivision thereof, has applied to the Corporation to enter into an agreement binding the Corporation not to assess Upland Farm during the years 1910 to 1919, inclusive, for a larger amount than two hundred and seventy-nine thousand dollars (\$279,000) in each year:

"And whereas the Corporation has agreed, subject to the terms and conditions hereinafter contained, to enter into the said agreement upon the Second Party agreeing to commence within two years from the first day of January, 1910, and complete within five (5) years from such date, at the expense of the Second Party, the improvements on the said Upland Farm referred to, which improvements will cost at least two hundred and fifty thousand dollars (\$250,000), and on which will be spent at least fifty thousand dollars (\$50,000) during each year after the commencement of the said improvements:

"And whereas the improvements of the said Upland Farm by the Second Party will be a benefit to the Municipality of Oak Bay at large:

"Now, this Agreement witnesseth that, in consideration of the mutual covenants on the part of the Corporation and of the Second Party herein-after contained, it is hereby agreed by and between the parties hereto as follows:—

"1. The Second Party agrees within two years from the first day of January, 1910, to commence, and within five (5) years from such date to complete, the following improvements on the said Upland Farm, namely:—

- “(a.) Grading and macadamizing the bed of said Lot ‘X’ shown on the hereinbefore-mentioned plan (to be used as a private road as afore-said) :
- “(b.) Constructing cement sidewalks on one side of said Lot ‘X’ shown on the said plan :
- “(c.) Constructing cement gutters on one side of said Lot ‘X’ shown on the said plan :
- “(d.) Levelling and sowing grass on each side of said Lot ‘X’ shown on the said plan, between the cement sidewalk and the roadway, and planting trees :
- “(e.) Laying water-pipes throughout the Upland Farm and under said Lot ‘X’ shown on the said plan, of a sufficient size to supply the contemplated residents of the said Upland Farm with a sufficient supply of water for domestic purposes and fire protection :
- “(f.) Fire and street hydrants and street-sprinkling connections on said Lot ‘X’ :
- “(g.) Construction of a proper sewerage system and surface drainage on said Lot ‘X’ of the said subdivision sufficient for the needs of the contemplated residents of the said Upland Farm :

“(h.) Such other improvements as the Second Party shall deem necessary.

“All of which shall be done at the expense of the Second Party at a cost estimated at about five hundred thousand dollars (\$500,000) : Provided that the Corporation shall be under no obligation to maintain or keep in repair any portion of the said Lot ‘X’ or the sewer or pipe-line thereunder, except such portion of said Lot ‘X’ as may from time to time be dedicated to the Corporation under the terms of clause eleven (11) hereof, and except the pipe-line and sewer under such portion of said Lot ‘X’ which shall be so dedicated.

“2. The Second Party agrees to submit to the Engineer of the Corporation the plans and specifications of such improvements for his approval, which approval shall be shown by the signature of the said Engineer to the said plans and specifications, and when so approved to carry out such improvements in accordance with the said plans and specifications.

“3. The Second Party covenants with the Corporation that he will in each year between the first day of January, 1912, and the first day of January, 1915, spend in carrying out the work and improvements hereinbefore mentioned not less than fifty thousand dollars (\$50,000) : Provided, however, that all the said work shall be completed before the first day of January, 1915.

“4. In consideration of the Second Party commencing the said work and completing the same within the time hereinbefore mentioned, and spending in each year after the first day of January, 1912, until the first day of January, 1915, not less than fifty thousand dollars (\$50,000), and spending in such improvements not less than two hundred and fifty thousand dollars (\$250,000) before the first day of January, 1915, all of which shall be of the essence of this Agreement, the Corporation agrees that all the lands shown on the said subdivision plan described in the Schedule hereto, including the lands reserved to the Hudson's Bay Company, but other than the said Lot ‘X,’ to be used as private roads and streets and proposed private parks and squares, shall be assessed during the years 1910 to 1919, inclusive, at the sum of two hundred and seventy-nine thousand dollars (\$279,000) in each year, and no more, whether owned by the Second Party or his assigns, or any company that shall be incorporated for the purpose of acquiring the said Upland Farm from him, or whether sold to any other person or persons ; and that the said Lot ‘X’ and the parks and squares shown on the said plan shall not be assessed at all during such period : Provided that nothing herein contained shall affect the right of the Corporation to raise the rate of taxation during the said years : Provided, however, that on default of the Second Party commencing the said

work on or before the first day of January, 1912, or in default of the Second Party completing the said work within the time hereinbefore mentioned, or in default of the Second Party spending, in carrying out the works and improvements hereinbefore mentioned, at least fifty thousand dollars (\$50,000) in each year during the period between the first day of January, 1912, and the first day of January, 1915, or in default of the Second Party spending, in carrying out said works and improvements, at least two hundred and fifty thousand dollars (\$250,000) before the first day of January, 1915, the Second Party or his assigns, or the Corporation, shall be at liberty to give to the other party notice that this Agreement is cancelled. And the Second Party or his assigns shall also at any time hereafter, before the first day of January, 1912, be at liberty to give to the Corporation notice that this Agreement is cancelled; and upon the giving of such notice by either party as aforesaid this Agreement shall be absolutely null and void and of no effect whatsoever, notwithstanding its having been executed by any of the parties hereto, or having been ratified by the ratepayers of the municipality as hereinbefore provided, or being sanctioned by an Act of the Legislature of the Province of British Columbia as herein-after provided. And thereupon the Second Party and his assigns and the Corporation shall not be bound or affected in any way whatsoever by any of the terms of this Agreement, and shall not be liable for any damages for breach of this Agreement: Provided that in the event of such notice being given by either party on or before the first day of January, 1912, the Second Party shall forthwith pay to the Corporation any additional taxes payable in respect of any increase of assessment that in the meantime might have been imposed had this Agreement not been made: Provided, however, that the Second Party shall first have a right to appeal from any increase in assessment.

"5. The said assessment of two hundred and seventy-nine thousand dollars (\$279,000) shall be assessed pro rata against each acre contained in the said Upland Farm other than the said Lot 'X' and the private parks and squares shown on the said plan lettered 'A' to 'O,' inclusive, without regard to location, and whether the said lands are owned by the Second Party, the Hudson's Bay Company, or sold to any other person or company.

"6. The assessment of the Upland Farm, other than said Lot 'X' and the parks and squares shown on the said plan, shall in no way affect the assessment during the years 1910 to 1919 of any other lands within the municipal limits of the Corporation, or of preventing the Corporation or Assessor thereof from assessing such other lands under the 'Municipal Clauses Act' at a higher value than the lands in the said Upland Farm, notwithstanding the provisions of the said Act.

"7. The Second Party covenants and agrees with the Corporation that all persons may at all times hereafter have free right-of-way over the said Lot 'X' shown on the said plan, subject, however, to the observance by such persons of all the regulations, limitations, and restrictions which may from time to time be imposed or made by the Second Party or his assigns or the owners of the lands in the said subdivision, or by the Board of Trustees hereinbefore referred to, relating to traffic and right-of-way over the said Lot 'X': Provided that nothing herein contained shall be deemed a dedication of the said Lot 'X' to the public or to the municipality as public roads or streets: Provided that the proper municipal officers of the Corporation may at all times hereafter have a right-of-way over said Lot 'X' for municipal purposes: Provided also that the Corporation shall have a right to connect with the sewerage system or water system of the Upland Farm for the purpose of extending said sewerage or water system to a district or districts of the municipality outside of the Upland Farm, upon such terms and conditions as shall be approved by the said Trustees. And in default of such approval the Corporation shall have the right to lay or repair any sewer or pipe-line under said Lot 'X' or any part thereof for the purpose of extending said sewerage or

water system of the municipality lying outside of said Upland Farm, upon the Corporation undertaking to leave Lot 'X' in the same state of repair as said Lot 'X' may be in previous to the laying or repairing of such sewer or pipe-line; and provided the Corporation lays such sewerage or water system up to the same standard as the sewerage or water system of the said Upland Farm, and without assessing any part of the cost or maintenance thereof as a local improvement rate or tax on any portion of the real property in the said Upland Farm.

"8. The Corporation agrees that it will, at the cost of the Second Party, upon being requested by the Second Party so to do, lay a water-main of not less than eight inches from and connecting with the existing pipe-line owned by the municipality and situate near the Willows Hotel by a convenient route, to be approved by the Engineer of the Corporation, to the boundary of the Upland Farm. In the event of such water-main being laid at the cost of the Second Party, the Corporation agrees that, as soon as the net rentals and revenue received by the Corporation from the water distributed by such main to be laid at the cost of the Second Party amount in one year to six per cent. (6 %) of the amount of money expended by the Second Party in laying such main, the Corporation will repay to the Second Party the money expended by him in laying such main. The Corporation further agrees with the Second Party that after such main is laid and connected the Corporation will supply to the Second Party and to the residents of said Upland Farm for domestic and fire purposes, on the same terms as it is furnished in other parts of the municipality, their proper proportion of water for the time being running in the municipal main.

"9. The Corporation shall, at the cost of the Second Party, as soon as practicable after this Agreement has been duly executed by the Second Party, submit to the electors of the municipality who are entitled to vote upon a by-law to contract a debt, pursuant to section 64 of the 'Municipal Clauses Act,' for their assent, a by-law embodying, validating, and sanctioning this Agreement, and authorizing the assessment of Upland Farm other than Lot 'X' and the parks and squares shown on the said plan and thereon lettered 'A' to 'O,' inclusive, during the years 1910 to 1919, both inclusive, at the sum of two hundred and seventy-nine thousand dollars (\$279,000), in each year, and authorizing that the said Lot 'X' and the parks and squares shown on the said plan and lettered 'A' to 'O,' inclusive, be not assessed at all during such period: Provided that the Second Party carries out all the terms of this Agreement.

"10. The Corporation agrees, at the expense of the Second Party, to apply to the Legislative Assembly of the Province of British Columbia at its next session for an Act ratifying the said by-law and for power to borrow money under the provisions of section 68 of the 'Municipal Clauses Act' to repay the Second Party the cost of the water-main before mentioned, without submitting a by-law for such purpose to the ratepayers of the municipality, pursuant to section 75 of the 'Municipal Clauses Act,' and without the necessity of obtaining the petition under section 69 of said Act.

"11. The Second Party hereby agrees from time to time to dedicate the said Lot 'X,' or any part thereof, as a public road or roads, street or streets, upon being requested by the Corporation so to do, upon such terms and conditions as may be agreed upon between the Corporation and the Second Party, and, in default of agreement, subject to such terms and conditions as may be settled by arbitration.

"12. Nothing herein contained shall in any way limit the statutory rights of the Corporation to expropriate any of the lands herein referred to.

"13. Time shall be of the essence of this Agreement.

"14. Upon this Agreement becoming binding upon the Corporation, the benefits hereof shall enure to and the obligations hereof shall be binding upon

the Second Party and any company incorporated for the purpose of acquiring the said lands from him, and upon the heirs, executors, administrators, and assigns of the Second Party and the successors and assigns of such Corporation, including all persons who shall from time to time be the owners of any lands situate within the said Upland Farm.

"15. This Agreement shall only be binding upon the parties hereto upon being signed by the Second Party and the Corporation, and on the by-law hereinbefore mentioned receiving the assent of not less than three-fifths (3-5) of the ratepayers of the Corporation who shall vote upon such by-law, and upon the Legislature of the Province of British Columbia at its next session passing an Act ratifying such by-law; and if such assent shall not be given, or such Act not be passed, this Agreement shall be absolutely null and void and of no effect whatsoever, notwithstanding its having been executed by any of the parties hereto, and any such party so executing shall not be bound or affected in any way whatsoever.

"In witness whereof the Corporation has hereunto caused its common seal to be affixed, and the Second Party has set his hand and seal the day and year first above written.

" SCHEDULE ABOVE REFERRED TO.

"All that portion of land known as the 'Upland Farm,' being Reserve marked Number Two (2), Lot Thirty-one (31), and Section Thirty-one (31) on the official plan of the Victoria District, in Vancouver Island, in the Province of British Columbia, described as follows, namely:—

"Commencing at the point where the southerly boundary of said land intersects the high-water mark of Oak Bay; thence westerly and following along the southern boundary of said land to the point where the eastern boundary of the Cadboro Bay Road, as shown on a plan of survey of said road made by Gore and McGregor, Provincial land surveyors, and now on file in the Lands and Works Department of the Province of British Columbia, intersects the said southern boundary of said land; thence northerly and along the eastern boundary of said Cadboro Bay Road to the point where the said eastern boundary of the said road intersects the northern boundary of said land; thence easterly and along said northern boundary of said land to the high-water mark of Cadboro Bay; thence southerly and following the sinuosities of the high-water mark along the shore-line to the place of beginning: Saving and excepting, firstly, that part thereof containing one-half ($\frac{1}{2}$) acre, more or less, heretofore conveyed to Her Majesty the Queen for school purposes; secondly, any portion thereof heretofore taken for a public road.

"The common seal of the Corporation
of the District of Oak Bay was here-
unto affixed in the presence of—
"WM. HENDERSON, *Reeve*.
"J. S. FLOYD, *Clerk*.

[SEAL.]

"Signed and sealed by the said William
Hicks Gardner in the presence of—
"JOHN A. MACHRAY.

"W. H. GARDNER."

[SEAL.]

Now, therefore, the Municipal Council of the Corporation of the District of Oak Bay enacts as follows:—

1. The terms of the said Agreement hereinbefore fully set out in the recital of this by-law shall be and the same are hereby accepted and the said Agreement is hereby validated and sanctioned.

2. The said Corporation shall forthwith, after the assent of the ratepayers of the Corporation shall have been given in manner hereinafter required, execute the said Agreement and carry the same into effect; and the said

Agreement when executed is hereby incorporated with and shall be deemed to form part of and be read with this by-law, in so far as it contains any grants, agreements, or covenants on the part of the Corporation, and in so far as the same has to be performed by and on the part of the Corporation.

3. The said property described in the said draft Agreement and referred to as "Upland Farm," other than Lot "X" and the parks and squares shown on the plan referred to in said Agreement, shall be assessed by the Corporation during the years 1910 to 1919, inclusive, at the sum of two hundred and seventy-nine thousand dollars (\$279,000) in each year so long as the said Agreement is in force and uncanceled, and the said Lot "X" and the parks and squares shown on the said plans shall not be assessed at all during such period so long as the said Agreement is in force and uncanceled.

4. This by-law shall, before the final passing thereof, receive the assent of not less than three-fifths (3-5) of the number of the electors of the Corporation who shall vote upon such by-law, in a manner provided for in the "Municipal Clauses Act," and shall take effect on the day after the final passing thereof by the Council of the Corporation.

5. This by-law shall be cited as the "Upland Farm By-law."

Passed the Municipal Council this third day of January, 1910.

Received the assent of the ratepayers the fifteenth day of January, 1910.

Reconsidered, adopted, and finally passed the seventeenth day of January, 1910.

[SEAL]

{ WILLIAM HENDERSON, *Recve.*
{ J. S. FLOYD, *Clerk.*

Pacific Railway Company.....	10th March, 1910.
Penticton Railway Company.....	10th March, 1910.
Port Moody, Indian River, and Northern Railway Company	10th March, 1910.
Queen Charlotte Railway Company.....	10th March, 1910.
The Salvation Army.....	10th March, 1910.

CHAPTER 78.

An Act to incorporate the City of South Vancouver.

[10th March, 1910.]

Preamble.

WHEREAS a petition has been presented by the Corporation of the District of South Vancouver, and William Alfred Pound, James Banks Todrick, William John Dickinson, John Byron MacDonald, John Third, and George Barber, who are property-owners and residents, and also members of the Municipal Council of the said Corporation, praying that said residents and other the inhabitants of the tract of land embraced and included in the Corporation of

the District of South Vancouver, hereinafter particularly described, be incorporated as a city municipality under the name of the "City of South Vancouver," and it is expedient to grant the prayer of the petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as "South Vancouver City Incorporation Act." Short title.

2. From and after the coming into force of this Act, the inhabitants of the tract of land described in section 3 hereof, and their successors, shall be and are hereby declared to be a body politic and corporate, in fact and in law, by the name of the "City of South Vancouver." Incorporation of
the City of South
Vancouver.

3. The city shall be bounded as follows:—

Commencing at the south-east corner of District Lot 331, Group 1, New Westminster District, at the north bank of the North Arm of the Fraser River; thence north along the eastern boundaries of Lots 331, 335, 339, 49, and 36, Group 1, New Westminster District, to the south-east corner of Hastings Townsite; thence west along the southern boundary of Hastings Townsite to the south-west corner of the said Hastings Townsite; thence northerly along the western boundary of said Hastings Townsite to its intersection of the easterly boundary of District Lot 195, Group 1, New Westminster District; thence northerly and easterly along the said easterly boundary of said Lot 195 to the north-east corner thereof; thence westerly and northerly along the northerly boundary of said Lot 195 to its intersection with the eastern boundary of the Townsite of the City of Vancouver; thence south along the said eastern boundary of the City of Vancouver to the south-east corner of said City of Vancouver; thence west along the southerly boundary of the said City of Vancouver to the north-east corner of District Lot 301, Group 1, New Westminster District; thence south along the eastern boundary of said District Lot 301 to the south-east corner thereof; thence west along the southern boundary of said District Lot 301 to the south-west corner thereof; thence north along the western boundary of said District Lot 301 to its intersection with the southern boundary of the City of Vancouver aforesaid; thence west along the said southern boundary of the City of Vancouver to its intersection with the centre line of Bridge Street, in said City of Vancouver, produced southerly; thence southerly on a line parallel with Ontario Street, in the Corporation of the District of South Vancouver, to the north boundary-line of District Lot 323; thence westerly along the said north boundary to the north-east corner of Lot 323b; thence south

Boundaries.

along the east boundary of said Lot 323D to the north boundary of District Lot 311; thence west along said north boundary of Lot 311 to the north-west corner thereof; thence south along the west boundary of said Lot 311 to the north bank of the North Arm of the Fraser River; thence easterly along said north bank of the North Arm of the Fraser River to the place of commencement.

Alteration of
boundaries to
include water-front.

4. The Lieutenant-Governor in Council may extend the boundaries of the city by including therein the land or territory lying adjacent thereto and south thereof to a line running two hundred feet south of and parallel to the low-water mark of the North Arm of the Fraser River on the north shore thereof, and reduce the limits of the Corporation of the Township of Richmond accordingly, upon payment before the expiration of five months from the coming into force of this section by the city to the Corporation of the Township of Richmond of the sum of seven thousand dollars (\$7,000) on account of the construction and maintenance heretofore of the bridge known as North Arm Bridge, between Lulu Island and South Vancouver, and upon the city entering into any agreement with the Corporation of the Township of Richmond to at all times thereafter bear a portion of the cost of maintenance and repair of such bridge equal to that borne by the Corporation of the Township of Richmond.

Sections 247 and 248 of the "Municipal Clauses Act," and such amendments as may from time to time hereafter be made thereto, shall from the time of such extension be applicable to the said bridge, except when the provisions thereof are repugnant to the provisions of this section.

Publication of
alteration.

The limits so extended and reduced shall be defined in letters patent, which shall be published as provided by section 11, subsection (d), and section 12, subsection (f), of the "Municipalities Incorporation Act."

By-law to include
D.L. 301.

5. The Council of the city may at any time, by by-law, alter its boundaries by including therein that portion of District Lot 301, Vancouver District, lying outside the present boundaries of the City of Vancouver, in addition to the lands mentioned in said section 3, upon such terms and conditions as may be set forth in the by-law.

Qualification to vote
on such by-law.

6. Before the by-law mentioned in the last preceding section shall be finally passed, the Council of the city shall submit the same to a vote of the residents of the said portion of the said District Lot 301, who shall have resided therein for a period of at least three months immediately preceding the taking of such vote, and who shall be property-owners of the value of one hundred dollars each, according to the last revised assessment roll for said portion of said District Lot 301.

Voting on by-law.

7. The taking of such vote shall be in a similar manner as to giving notice thereof, and taking the vote as provided for the sub-

mission of money by-laws under section 75 of the "Municipal Clauses Act," excepting, however, that the vote shall be taken by the Council of the city at such place or places, whether within the said District Lot 301, or the city, or both, as said Council may by resolution determine.

8. Upon receipt of the returns of the vote cast, the Clerk of the city shall add up the votes, and if it appears from such returns that the votes cast for such by-laws are a majority of the votes polled, the said Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost.

Clerk to declare by-law carried or lost.

9. In the event of such by-law being carried, the said Council of the city shall finally pass such by-law, and thereupon it shall come into effect on the day named in the by-law.

Council to finally pass by-law.

10. At all times before the coming into force of the whole of this Act, the words "Corporation of the District of South Vancouver" shall be substituted for the word "city," where the same occurs in sections 4, 5, 6, 7, 8, and 9 hereof.

Interpretation.

11. The nomination for the first Council, to consist of a Mayor and six Aldermen, shall be held on the third Monday after the coming into force of this Act from twelve o'clock noon to two o'clock p.m., and the election, in case a poll should be demanded, shall be held on the Saturday following after such nomination. The Returning Officer shall be the Clerk of the Municipal Council for the time being of the Corporation of the District of South Vancouver at the date of the coming into force of this Act.

Nomination for first Council.

12. After the first election, the nomination for Mayor and Aldermen shall be held on the second Monday in January in each year from twelve o'clock noon to two o'clock p.m., and the polling (if any) shall be held on the Thursday following from nine a.m. to seven p.m.

Nominations after first election.

13. The poll to be taken by the Returning Officer at the first election after the coming into force of this Act shall be open from nine o'clock in the forenoon to seven o'clock in the afternoon on the day named, and the Returning Officer shall be authorized to appoint Deputy Returning Officers, Poll Clerks, constables, and such officers as he shall deem necessary for taking such poll and for maintaining order at the polling-stations.

Poll at first election.

14. The nomination and poll (if any) shall be held at such place or places as may be designated by resolution of the Council of the Corporation of the District of South Vancouver at a meeting to be held within one month prior to the coming into force of this Act.

Where nomination and poll to be held.

Notice of first nomination and poll.

15. Seven days' notice of the time and place of nomination and of the place or places of holding of the first poll (if any) shall be given by the said Returning Officer in a newspaper published or circulating in the said city, and by posting such notice for like period upon the entrance-door of the Municipal Hall used by the said Council of the Corporation of the District of South Vancouver at the time of this Act coming into force.

Voters' list at first election.

16. The last revised municipal voters' list of the Corporation of the District of South Vancouver or of the city, as the case may be, shall be the list of qualified voters at the said first election.

The Returning Officer shall provide a ballot box or boxes for the necessary ballots for use at the first election, and he shall, as far as possible, conduct said election in all respects in conformity with the provisions of the "Municipal Elections Act."

First meeting of Council.

17. The first meeting of the Council so elected shall be held at said Municipal Hall on the first Monday after such election at two o'clock in the afternoon.

Old Council to hold office till first election.

18. The Reeve and Council of the Corporation of the District of South Vancouver shall hold office, with all the powers and privileges vested in them immediately prior to the coming into force of this Act, until the first Council of the said city shall have been elected as in this Act provided.

Application of "Municipal Clauses Act," "Municipal Elections Act," and "Municipalities Incorporation Act."

19. All the provisions of the "Municipal Clauses Act," the "Municipal Elections Act," and the "Municipalities Incorporation Act," and Amending Acts, with such amendments as may from time to time hereafter be made thereto, so far as the same are applicable to city municipalities, shall apply to the said city, and shall be deemed to form part of this Act except when the provisions of said Acts are repugnant to the provisions of this Act: Provided, however, that sections 16, 18, and 19 of "Municipal Elections Act" shall remain in full force and effect and be applicable to the city until after the said first election.

By-laws.

20. The by-laws of the Corporation of the District of South Vancouver lawfully enacted shall be the by-laws of the said city, subject to repeal, amendment, or other change lawfully made.

Acquisition of assets and liability for obligations of old municipality.

21. All the property of every nature and kind whatsoever and all rights, powers, benefits, and privileges belonging or appertaining to the Corporation of the District of South Vancouver shall belong to, and the same shall be and are hereby vested in, the said city, and the said city shall be liable for and subject to and shall pay, discharge, carry out, and perform all the debts, liabilities, obligations, contracts, and duties of the Corporation of the District of South

Vancouver, and any person having any claim, demand, right, cause of action, or complaint against the Corporation of the District of South Vancouver, or to whom the Corporation of the District of South Vancouver is under any liability, obligation, contract, or duty, shall have the same rights and powers with respect thereto, and to the collection and enforcement thereof, from and against the said city as such person now has against the Corporation of the District of South Vancouver.

22. All taxes uncollected at the date of the coming into effect of this Act in the Corporation of the District of South Vancouver shall be payable to the City of South Vancouver, whose rights and remedies as to the collection and recovery thereof, whether by sale of lands or otherwise, shall be the same in all respects as the rights and remedies therefor of the Corporation of the District of South Vancouver would have been had this Act not been passed. Taxes.

23. Said sections 4, 5, 6, 7, 8, 9, and 10 shall come into force upon this Act being assented to, otherwise this Act shall come into force upon the Council of the Corporation of the District of South Vancouver declaring by by-law the date when the same shall come into effect; but before such by-law shall be finally passed, the Council shall submit the same to a vote of the electors entitled to vote for Reeve in the same manner as to giving notice thereof, and taking the vote as provided for the submission of money by-laws in section 75 of the "Municipal Clauses Act"; and upon the receipt of the returns of the votes cast, the Clerk of the said Corporation of the District of South Vancouver shall add up the votes, and if it appears from such returns that the votes cast for such by-law be three-fifths of the votes polled, the said Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost. In the event of such by-law being carried, the said Council shall finally pass such by-law, and thereupon this Act shall come into force upon the day named in such by-law. When Act to take effect.
Three-fifths vote.

Vancouver Incorporation (Amendment) (Consolidated)	10th March, 1910.
Vancouver and Nicola Valley Railway Company	10th March, 1910.
City of Victoria and British Columbia Electric Railway Company Agreement	10th March, 1910.
Western Union Fire Insurance Company	10th March, 1910.

CHAPTER 7.

An Act respecting the Official Maps of the Bulkley Valley, Townships 1A, 2A, 3, 4, 5, 6, 7, 8, and 9, Range 5, Coast District.

[1st March, 1911.]

Preamble.

WHEREAS in the year 1892 a survey was made of the following townships or portions of same, namely: 1A, 2A, 3, 4, 5, 6, 7, 8, and 9, all in Range 5, Coast District, and maps purporting to correctly represent such survey were compiled from the field-notes of the surveyor, said maps and field-notes being on file in the Department of Lands at Victoria:

And whereas numerous errors have been found to exist in the said maps which do not properly represent the said survey, or show the true position of the monuments purported to have been planted to mark the boundaries thereby established:

And whereas, in view of the errors existing in the old survey, it is advisable, in order to remove all doubts and to secure the titles of the lands in the said townships to the parties to whom they justly belong, that a rectification survey should be undertaken and new maps of the above-mentioned townships prepared:

And whereas such survey has been undertaken and correct maps have been compiled of all of the said townships, which clearly and correctly describe the boundaries of all parcels of land as accepted and in the possession of the property-owners at the present time:

And whereas it is advisable that the said newly compiled maps so prepared should be substituted for the old official maps:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Bulkley Valley Official Map Act."

Official maps.

2. The maps of the Bulkley Valley townships, all in Range 5, Coast District, dated at the Department of Lands, Victoria, on twentieth February, 1911, and bearing the signature of the Chief Commissioner of Lands, are hereby substituted as the official maps of the said townships, for and in the place and stead of the maps now on file in the Department of Lands and in the office of the Registrar-General of Titles, which latter maps are hereby cancelled and declared null and void.

Old maps cancelled.

True copies to be deposited with Registrar-General.

3. True copies of said substituted maps shall be prepared and certified by the Chief Commissioner of Lands as true copies of the original maps and shall be deposited in the office of the Registrar-General of Titles.

4. All Crown grants or certificates of title issued in respect of any lands situate in any of said townships, and all other deeds and documents in respect of any of the said lands, in describing the parcels when reference is made to the official maps of any of the said townships, whether made, executed, or issued before or after the passing of this Act, shall be construed as referring, and shall be deemed to refer, to the official maps as authenticated and validated by this Act and substituted for the maps hereby cancelled, and all such parcels shall be governed by the dimensions and descriptions shown upon or taken from said substituted maps.

Crown grants and certificates of title to conform.

5. The lands mentioned in the Schedule hereto, which were Crown- Schedule lands. granted prior to the date of the said rectification survey, shall hereafter be known and described as set out therein.

6. Chapter 5 of the Statutes of 1908, being the "Bulkley Valley Repeal. Official Map Act," is hereby repealed.

SCHEDULE.

Designation as described in Crown Grant.	Crown Grant No. and Date.	Designation given under Rectification Survey.
TOWNSHIP 1A, RANGE V., COAST DISTRICT.		
N.E. $\frac{1}{4}$ S. 23	C.G. 973/173; August 25, 1905	L. 1179
TOWNSHIP 2A, RANGE V., COAST DISTRICT.		
N. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ S. 3; S. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 3.....	C.G. 1657/197; January 21, 1907	L. 202
E. $\frac{1}{2}$ S. 4	" 517/157; June 9, 1904	L. 851
E. $\frac{1}{2}$ S. 9	" 809/169; April 27, 1905	L. 850, E. $\frac{1}{2}$
W. $\frac{1}{2}$ S. 9	" 997/173; Sept. 16, 1905	L. 850, W. $\frac{1}{2}$
S.W. $\frac{1}{4}$ S. 15	" 896/169; June 12, 1905	L. 847
S.W. $\frac{1}{4}$ S. 16	" 810/169; April 27, 1905	L. 849
N.W. $\frac{1}{4}$ S. 16; N.E. $\frac{1}{4}$ S. 17; S.E. $\frac{1}{4}$ S. 20; S.W. $\frac{1}{4}$ S. 21	" 188/134; October 30, 1902	L. 844
S.E. $\frac{1}{4}$ S. 19	" 970/173; August 25, 1905	L. 856
N. $\frac{1}{2}$ S. 19	" 1343/183; June 11, 1906	L. 859
N.E. $\frac{1}{4}$ S. 20	" 846/169; May 11, 1905	L. 858
TOWNSHIP 3, RANGE V., COAST DISTRICT.		
N.W. $\frac{1}{4}$ S. 5	C.G. 1058/157; October 30, 1905	L. 790
S.E. $\frac{1}{4}$ S. 6	" 1007/176; Sept. 14, 1905	L. 789
S.W. $\frac{1}{4}$ S. 6	" 847/169; May 11, 1905	L. 788
N. $\frac{1}{2}$ S. 6	" 1058/176; October 30, 1905; 1189/170; March 1, 1906	L. 701
N.W. $\frac{1}{4}$ S. 20	" 824/169; May 4, 1905	L. 1206
TOWNSHIP 4, RANGE V., COAST DISTRICT.		
N.W. $\frac{1}{4}$ S. 1	C.G. 1770/147; July 23, 1903	L. 793
N.E. $\frac{1}{4}$ S. 1	" 1015/176; October 9, 1905	L. 792
N.E. $\frac{1}{4}$ S. 2	" 520/157; June 10, 1904	L. 794
N.W. $\frac{1}{4}$ S. 3; N.E. $\frac{1}{4}$ S. 4	" 1018/176; October 9, 1905	L. 876
S. 9	" 808/169; April 27, 1905	L. 877
S.E. $\frac{1}{4}$ S. 10	" 1229/181; May 8, 1906	L. 879
S.W. $\frac{1}{4}$ S. 10	" 906/169; June 13, 1905	L. 878
N.W. $\frac{1}{4}$ S. 10	" 823/169; May 4, 1905	L. 799, W. $\frac{1}{2}$
N.E. $\frac{1}{4}$ S. 10	" 797/162; April 26, 1905	L. 799, E. $\frac{1}{2}$
N. $\frac{1}{2}$ S. 11	" 798, 799/162; April 26, 1905	L. 798
N. $\frac{1}{2}$ S. 12	" 800, 801/162; April 26, 1905	L. 797
S. 13	" 802/162, 803/162, 1129/179; April 26, 1905; January 8, 1906	L. 882

Designation as described in Crown Grant.	Crown Grant No. and Date.	Designation given under Rectifica- tion Survey.
TOWNSHIP 4, RANGE V., COAST DISTRICT—(Concluded.)		
S. 14	C.G. 804, 805/162, 826/169; April 26, 1905; May 4, 1906	L. 881
S.E. $\frac{1}{4}$ S. 15	" 762/162; April 8, 1905	L. 880, E. $\frac{1}{2}$
S.W. $\frac{1}{4}$ S. 15	" 761/162; April 8, 1905	L. 880, W. $\frac{1}{2}$
N.W. $\frac{1}{4}$ S. 22	" 964/173; August 25, 1905	L. 1205
N.W. $\frac{1}{4}$ S. 23	" 885/169; June 8, 1905	L. 843B
W. $\frac{1}{2}$ S. 27	" 793/162, 795/162; April 25, 1905. }	L. 1203
E. $\frac{1}{2}$ S. 28	" 966/173; August 25, 1905; } 792/162, April 25, 1905	
N.E. $\frac{1}{4}$ S. 32; N.W. $\frac{1}{4}$ S. 33	" 999/173; Sept. 16, 1905	L. 1195
S.E. $\frac{1}{4}$ S. 33; N.E. $\frac{1}{4}$ S. 33	" 171, 172/134; June 24, 1902	L. 1196
W. $\frac{1}{2}$ S. 34	" 796/162; April 25, 1905; 825/169; May 4, 1905	L. 1197

TOWNSHIP 6, RANGE V., COAST DISTRICT.

S.W. $\frac{1}{4}$ S. 1	C.G. 904/169; June 12, 1905	L. 1233, S. $\frac{1}{2}$
N.W. $\frac{1}{4}$ S. 1	" 511/157; June 8, 1904	L. 1233, N. $\frac{1}{2}$
E. $\frac{1}{2}$ S. 2	" 598, 599/157; October 11, 1904	L. 1231
N. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 2	" 714/162; January 27, 1905	L. 779
E. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ S. 8; E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 8	" 1278/181; May 9, 1906	L. 1229
S.E. $\frac{1}{4}$ S. 9	" 618/160; October 14, 1904	L. 775
N.E. $\frac{1}{4}$ S. 9	" 618/160; October 14, 1904	L. 772
S.W. $\frac{1}{4}$ S. 9	" 967/173; August 25, 1905	L. 774
N.W. $\frac{1}{4}$ S. 9	" 967/173; August 25, 1905	L. 773
S. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ S. 10	" 714/162; January 27, 1905	L. 777
S.W. $\frac{1}{4}$ S. 10	" 619/160; October 14, 1904	L. 776
N.W. $\frac{1}{4}$ S. 10	" 619/160; October 14, 1904	L. 771
W. $\frac{1}{2}$ S. 12	" 845/169; May 11, 1905	L. 752
N.E. $\frac{1}{4}$ S. 13	" 811/169; April 27, 1905	L. 781
N.E. $\frac{1}{4}$ S. 14	" 1017/176; October 9, 1905	L. 763
N.E. $\frac{1}{4}$ S. 17	" 807/169; April 27, 1905	L. 768
S. $\frac{1}{2}$ S. 20	" 849, 898/169; May 11, 1905; June 12, 1905	L. 1141
N. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ S. 22; S. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 22	" 886/169; June 8, 1905	L. 1227
S. $\frac{1}{2}$ S. 23	" 963/173; August 25, 1905	L. 778
N. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 23	" 903/169; June 12, 1905	L. 1223
S. $\frac{1}{2}$ S. 24	" 716, 717/162; February 15, 1905. }	L. 1225
N.W. $\frac{1}{4}$ S. 24	" 812/169; April 27, 1905	L. 1224
W. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ S. 25	" 903/169; June 12, 1905	L. 1221
S.E. $\frac{1}{4}$ S. 26	" 858/169; May 11, 1905	L. 1220
W. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 26; N.W. $\frac{1}{4}$ S. 26; E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 27	" 764/162; April, 1905	L. 1218
E. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 26; S. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ S. 35	" 857, 859/169; May 11, 1905	L. 1219
W. $\frac{1}{2}$ S. 27	" 850, 851/169; May 11, 1905	L. 1217
S.E. $\frac{1}{4}$ S. 28	" 852/169; May 11, 1905	L. 1216, S. $\frac{1}{2}$
N.E. $\frac{1}{4}$ S. 28	" 814/169; April 27, 1905	L. 1216, N. $\frac{1}{2}$
E. $\frac{1}{2}$ S. 33	" 819, 820/169; April 27, 1905	L. 1210
S. $\frac{1}{2}$ S. 34	" 856, 821/169; May 11, 1905; Octo- ber 27, 1905	L. 1212
S.W. $\frac{1}{4}$ S. 35	" 861/169; May 11, 1905	L. 1214

TOWNSHIP 7, RANGE V., COAST DISTRICT.

S. $\frac{1}{2}$ S. 6*	C.G. 931/173; August 25, 1905	L. 1214
N. $\frac{1}{2}$ S. 6	" 881/169; June 7, 1905	L. 1241
S. $\frac{1}{2}$ S. 7	" 545/157; July 14, 1904	L. 1240
N.W. $\frac{1}{4}$ S. 20	" 1274/181; May 30, 1906	L. 1234
W. $\frac{1}{2}$ S. 21	" 1275/181; May 30, 1906	L. 1238
S.W. $\frac{1}{4}$ S. 28	" 1276/181; May 30, 1906	L. 1236

TOWNSHIP 8, RANGE V., COAST DISTRICT.

N.E. $\frac{1}{4}$ S. 35	C.G. 648/160; November 11, 1904	L. 1215
N. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ S. 36; N. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ S. 36	" 1188/179; March 1, 1906	L. 1217
S. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ S. 36	" 1059/176; October 30, 1905	L. 1218
S. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 36	" 1290/181; May 30, 1906	L. 1216
N. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 36; N. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 36	" 905/169; June 12, 1906	
S. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 36	" 1290/181; May 30, 1906	L. 1212

Designation as described in Crown Grant.	Crown Grant No. and Date.	Designation given under Rectifica- tion Survey.
TOWNSHIP 9, RANGE V., COAST DISTRICT.		
S. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 9; S. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 10	C.G. 882/169; June 7, 1905	L. 208
S.E. $\frac{1}{4}$ S. 10; S.W. $\frac{1}{4}$ S. 10	" 862, 863/169; May 11, 1905	L. 210
E. $\frac{1}{2}$ S. 19	" 543/157; July 14, 1904	L. 179A
N.W. $\frac{1}{4}$ S. 20	" 930/173; August 25, 1905	L. 180
S.E. $\frac{1}{4}$ S. 30	" 644/160; November 11, 1904	L. 178
E. $\frac{1}{2}$ of S.W. $\frac{1}{4}$ S. 30	" 644/160; November 11, 1904	L. 177
E. $\frac{1}{2}$ of N.W. $\frac{1}{4}$ S. 30	" 644/160; November 11, 1904	L. 2132
W. $\frac{1}{2}$ of N.E. $\frac{1}{4}$ S. 30; W. $\frac{1}{2}$ of S.E. $\frac{1}{4}$ S. 31	" 1059/176; October 30, 1905	
S.W. $\frac{1}{4}$ S. 31	" 645/160; November 11, 1904	L. 2131
	" 646/160; November 11, 1904	L. 2130

CHAPTER 28.

An Act authorizing the Grant to the City of Kamloops of certain Lands for Park and Municipal Purposes.

[1st March, 1911.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Kamloops Public Park Act, Short title. 1911."

2. It shall be lawful for the Lieutenant-Governor in Council, in consideration of the sum of one thousand dollars theretofore paid by the Corporation of the City of Kamloops to the Minister of Finance of the Province, to grant, upon such conditions as he shall think fit, to the said Corporation of the City of Kamloops, in the County of Yale, and its successors for ever, all and singular those certain pieces and parcels of land being Lots Seven (7), Eight (8), and Nine (9), Block One (1), of part of District Lots Two hundred and thirty-two (232), Two hundred and thirty-three (233), and Two hundred and thirty-four (234), Group One (1), Map 193, of Kamloops Division of Yale District; such lots to be used for the recreation and enjoyment of the public as public parks and for use by said Corpora-
tion of the City of Kamloops for municipal purposes.

Lieut.-Governor in Council may grant lands to Kamloops.

For park purposes.

3. Such portion of the lands in the preceding section hereof described as may be used by said Corporation of the City of Kam-
Application of Municipal Clauses Act."

loops for recreation and enjoyment of the public shall be deemed to come within and shall be governed by the provisions of subsection (114) of section 50, and of sections 291 to 294, both inclusive, of the "Municipal Clauses Act," and such portion of said lands as are used for municipal purposes shall be governed by the provisions of section 57 of the "Municipal Clauses Act," relating to the purchasing, acquiring, holding, managing, and maintaining real property for the purposes of the Corporation.

CHAPTER 39.

An Act relating to The Corporation of the District of North Saanich.

[1st March, 1911.]

Preamble.

WHEREAS doubts have arisen as to the validity of the letters patent granted under the provision of the "Municipalities Incorporation Act," incorporating The Corporation of the District of North Saanich:

And whereas it is desirable to remove all such doubts:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Letters patent
validated.

1. Notwithstanding anything contained in the "Municipalities Incorporation Act" or any other Act in amendment thereof, the letters patent bearing date the first day of March, 1906, granted by the Lieutenant-Governor in Council under the Public Seal of the Province, incorporating the lands therein described and including the Townsite of Sidney into "The Corporation of the District of North Saanich," are hereby validated and confirmed as and from the date thereof.

By-laws validated.

2. No by-law passed by the said The Corporation of the District of North Saanich and no assessment made by it shall be set aside or declared invalid or of no effect by reason of any omission, defect, error, or neglect in the manner of the incorporation of the said Corporation, or in the letters patent incorporating the said Corporation, but all such by-laws and assessments shall be and the same are hereby declared to be good, valid, and effectual.

Taxes, 1911.

3. Notwithstanding anything to the contrary contained in section 153 or any other provision of the "Municipal Clauses Act," it shall

be lawful for the Municipal Council of the said Corporation to collect in the year 1911 all taxes, and the interest and costs (if any) thereon, assessed or assessable against real property within the municipality, which are in arrear and unpaid, and whether such taxes are delinquent or not, including all taxes for the year 1911; and, for the recovery of the same, the Council may exercise all the powers given in that behalf to Municipal Councils, including the powers contained in sections 153, 154, 155, 155A, and 156 of said Act.

4. The said Municipal Council shall not pass any by-law for raising money upon the credit of the municipality, save under the provisions of subsection (169) of section 5 of the "Municipal Clauses Act." Money by-laws.

5. From and after the thirty-first day of December, 1911, the Municipality of the District of North Saanich shall cease to exist as a corporation, and the said letters patent shall become void and of no effect; and, for the purpose of winding up the affairs of the said Corporation, the Lieutenant-Governor in Council shall have power and authority, exercisable by and in the name of any person by the Lieutenant-Governor in Council in that behalf appointed, to do such acts and things as may be necessary or requisite in the premises, including the power to recover moneys due for taxes in arrear or any other moneys due, together with costs and charges, either by suit in some Court of competent jurisdiction or by the sale, after one month's notice thereof in some newspaper published in the City of Victoria, of the real property of any person whose taxes are so in arrear and unpaid. Corporate existence to cease after 31st December, 1911.

6. This Act may be cited as "The Corporation of North Saanich Validation Act, 1911." Short title.

CHAPTER 41.

An Act to amend the "City of Prince Rupert Incorporation Act, 1910."

[1st March, 1911.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Prince Rupert Boundaries Act." Short title.

2. Section 4 of chapter 41 of the Statutes of 1910, being the "City of Prince Rupert Incorporation Act, 1910," is hereby repealed, and the following section is substituted therefor:—

Boundaries.

"4. The said City of Prince Rupert shall be bounded as follows:—

"Commencing at a point on the westerly shore-line of Shawatlans Passage, Range V., Coast District of British Columbia, being the south-easterly corner of Section 9, Prince Rupert Townsite, as shown on Plan Number 923, Prince Rupert Land Registry Office; thence astronomic south forty-three degrees forty-seven minutes west (S. 43° 47' W.) four hundred and fifty-one and seventy-nine one-hundredths (451.79) feet; thence astronomic north eighty-three degrees thirty-seven minutes west (N. 83° 37' W.) fifteen hundred and seventy-two one-hundredths (1,500.72) feet; thence astronomic south twenty-seven degrees twenty-three minutes fifteen seconds west (S. 27° 23' 15" W.) thirty-four hundred and twenty-three and seventy-five one-hundredths (3,423.75) feet; thence astronomic south thirty-five degrees fifty-eight minutes thirty-four seconds west (S. 35° 58' 34" W.) two thousand and fifty-one and twenty-five one-hundredths (2,051.25) feet; thence astronomic north sixty-two degrees sixteen minutes twenty seconds west (N. 62° 16' 20" W.) eleven hundred and twenty-four and eight one-hundredths (1,124.08) feet; thence astronomic south forty-seven degrees twelve minutes ten seconds west (S. 47° 12' 10" W.) forty-eight hundred and fifty-eight and fifty-one one-hundredths (4,858.51) feet to the north-easterly corner of Lot 1994, Range V., Coast District of British Columbia; thence south-westerly following the southerly boundary of said Lot 1994 three thousand eight hundred and six and sixty-eight one-hundredths (3,806.68) feet to the south-westerly corner of said Lot 1994; thence astronomic south forty-seven degrees six minutes forty-seven seconds west (S. 47° 6' 47" W.) twenty-six hundred and three and thirty-two one-hundredths (2,603.32) feet; thence astronomic south seventy-nine degrees forty-one minutes forty-three seconds west (S. 79° 41' 43" W.) thirteen hundred and forty-one and sixty-four one-hundredths (1,341.64) feet; thence astronomic south fifty-two degrees forty-six minutes twenty-four seconds west (S. 52° 46' 24" W.) two thousand two hundred and forty-eight and six one-hundredths (2,248.06) feet; thence astronomic south sixteen degrees one minute nineteen seconds west (S. 16° 1' 19" W.) thirty-one hundred and seventy and three-tenths (3,170.3) feet; thence astronomic north seventy-nine degrees thirty-two minutes west (N. 79° 32' W.) eighteen hundred and fifty and seventy-three one-hundredths (1,850.73) feet; thence astronomic north twelve thousand eight hundred and seventy (12,870) feet; thence astronomic north sixty-one degrees thirty minutes east (N. 61° 30' E.) nineteen thousand six hundred and forty (19,640) feet; thence astronomic south forty-five degrees thirty minutes east (S. 45° 30' E.) thirty-three hundred and eighty (3,380) feet; thence astronomic south fifteen degrees forty-five minutes west (S. 15° 45' W.) sixteen hundred and ten (1,610) feet; thence astronomic south thirty-six degrees fifteen minutes east (S. 36° 15' E.) twenty-five hundred and fifty-one and

sixty-five one-hundredths (2,551.65) feet; thence astronomic south forty-three degrees forty-seven minutes west (S. 43° 47' W.) eight hundred and sixty-five and ninety-six one-hundredths (865.96) feet, more or less, to the point of commencement; the land area contained within said boundaries consisting of approximately two thousand (2,000) acres and being shown on the registered plans of Prince Rupert Townsite in the Land Registry Office at Prince Rupert."

3. Said section 4, as enacted by the next preceding section, shall be construed as taking effect from the date of the passing of said chapter 41. Retroactive.

CHAPTER 48.

An Act respecting Slocan City.

[1st March, 1911.]

WHEREAS doubts have arisen as to the legality of the constitution of the several Municipal Councils of the Corporation of the City of Slocan and the validity of the by-laws passed and other acts done by such Councils since the first day of January, 1903: Preamble.

And whereas it is expedient to remove such doubts and to vest in the Municipal Council of the said Corporation for the year 1911 powers necessary and requisite for the proper adjustment of the municipal affairs of the said Corporation:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Slocan City Relief Act."

Short title.

2. It is hereby declared that, notwithstanding anything contained in the "Slocan Incorporation Act, 1901," being chapter 50 of the Statutes of 1901, or in the "Municipal Clauses Act," or in the "Municipal Elections Act," or in any other Statute, no by-law passed and no act, matter, or thing done by the several Municipal Councils of the Corporation of the City of Slocan since the first day of January, 1903, shall be or be deemed to be invalid by reason only of any defect or illegality in the election, composition, or constitution of such Municipal Councils or any of them. Defect in constitution of Council remedied.

3. The assessment rolls of the said Corporation, as prepared, certified, returned, and revised, and all tax levies made thereunder Valid assessment rolls.

since the said first day of January, 1903, are hereby declared to have been lawfully prepared, certified, returned, revised, and made, and to be valid, legal, and binding upon all parties concerned.

Election declared
valid.

Powers.

Sale for taxes.

4. The persons who, in the month of January, 1911, were declared elected Mayor and Aldermen of the said City of Slocan are hereby declared to have been lawfully elected, and to be the Municipal Council of the said Corporation for the year 1911, and to have all the powers of a Municipal Council lawfully constituted under the "Municipal Clauses Act"; and such persons so constituting the Municipal Council of the said Corporation are hereby authorized and empowered, under the formalities prescribed in the said last-mentioned Act, to sell lands and real property within the limits of the said municipality for delinquent taxes, as shown by any or all of the assessment rolls of the said Corporation for the year or years prior to the first day of January, 1910, and to vest the title to such lands or real property in the purchaser or purchasers thereof absolutely.

CHAPTER 49.

An Act respecting Strathcona Park.

[1st March, 1911.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short Title.

Short title.

1. This Act may be cited as the "Strathcona Park Act."

Park Limits.

Limits of park
defined.

2. The tract of land comprised within the limits hereinafter set forth—that is to say: Commencing at the summit of Crown Mountain, on Vancouver Island; thence due south to a point due west of a point on the western boundary of the Esquimalt and Nanaimo Railway Belt one hundred miles distant from Muir Creek; thence due east to the said western boundary of the Railway Belt; thence north-westerly following the western boundary of the Railway Belt to the summit of Crown Mountain, being the point of commencement—is hereby withdrawn from sale, settlement, and occupancy under the provisions of the "Land Act," or any other Act with respect to mining or any other matter.

3. The said tract of land is hereby reserved and set apart as a public park and pleasure-ground for the benefit, advantage, and enjoyment of the people of British Columbia, subject to the provisions of this Act and of the regulations hereinafter mentioned, and shall be known as "Stratheona Park."

Regulations and Control.

4. The park shall be under the control and management of the Minister of Lands, and the Lieutenant-Governor in Council may make regulations for—

- (a.) The care, preservation, and management of the park and of its springs, watercourses, lakes, trees, and shrubbery, minerals, natural curiosities, and the like matters: Care and management.
- (b.) The lease for any term of years of such parcels of land in the park as he deems advisable in the public interest for the construction of buildings for ordinary habitation and for the accommodation of persons resorting to the park: Lease.
- (c.) The preservation and protection of game and fish and of wild birds generally: Game.
- (d.) The removal and exclusion of trespassers: Trespassers.
- (e.) Generally, all purposes necessary to carry this Act into effect according to the true intent and meaning thereof. Powers generally.

5. (1.) Every regulation made as aforesaid shall be published for four consecutive weeks in the British Columbia Gazette and in any other manner provided thereby by the Lieutenant-Governor in Council. Publication of regulations.

(2.) Every such regulation, after publication as aforesaid, shall have the like force and effect as if herein enacted.

(3.) The Lieutenant-Governor in Council may, by the said regulations, impose penalties for the violation thereof, not exceeding in any case the sum of three hundred dollars, with costs, or, in default of payment, imprisonment for not more than three months.

General.

6. Except as in this Act provided, no person shall locate, settle upon, use, or occupy any portion of the park: Provided, however, that nothing in this Act contained shall be deemed to deprive any person of any vested rights or interests which he may have acquired within the limits of the park prior to the passing of this Act. Prohibition.

7. The Minister of Lands may, with the approval of the Lieutenant-Governor in Council, acquire all or any of such vested rights or interests as in the next preceding section mentioned, paying therefor such sum as may be agreed upon, and, in the event of disagreement, such sum as may be appraised and awarded on arbitration; and Vested rights.

for the purposes of this section the provisions of the "Public Works Act" with respect to the acquisition of lands for public works shall, *mutatis mutandis*, apply.

CHAPTER 53.

An Act authorizing the Lieutenant-Governor in Council to grant certain Land as a Site for the University of British Columbia.

[1st March, 1911.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "British Columbia University Site Act, 1911."

Lands taken from Point Grey Municipality.

2. The following land is hereby taken from the territory embraced within the boundaries of the Municipality of Point Grey, and after the passing of this Act the said land so taken from said municipality shall not be within the limits of any municipality, namely:—

- (a.) Lot 3044, Group 1, New Westminster District, as shown on a plan deposited in the Department of Lands and signed by Henry B. Smith, B.C.L.S., and bearing date the first day of February, 1911:
- (b.) Lot 3045, Group 1, New Westminster District, as shown on said plan, together with all the foreshore and bed of the sea appertaining to or in front of said Lot 3045:
- (c.) The road marked "Marine Drive" on said plan:
- (d.) The road marked "University Boulevard" on said plan.

No railway, tramway, etc., on grounds.

3. Notwithstanding anything contained in any Act, agreement, or contract, neither the British Columbia Electric Railway Company, Limited, nor any other railway, street-railway, or tramway company, or person, shall have any right to extend any line of railway, street-railway, or tramway, or any other works of any nature or kind, into, over, or upon any of the lands mentioned in section 2 hereof.

Dedication.

4. The roads marked "Marine Drive" and "University Boulevard" upon said plan are hereby dedicated as public highways forever.

5. It shall be lawful for the Lieutenant-Governor in Council, upon Site for University. such terms and conditions as he shall see fit, to grant to the University of British Columbia the said Lot 3044 for the purpose of a site for said University.

CHAPTER 54.

An Act relating to the Resurvey of District Lot 264A, Group 1, New Westminster District, and within the Limits of the City of Vancouver.

[1st March, 1911.]

WHEREAS certain errors have existed in connection with the Preamble. existing surveys and plans of District Lot 264A, in the City of Vancouver:

And whereas, for the purpose of correcting said errors and of correcting and adjusting any discrepancy between the occupation of land in the said lot and in the registered plan or plans of the said land, the Attorney-General of British Columbia, upon the request of the City of Vancouver and under the powers contained in the "Special Surveys Act" and amending Acts, directed a survey to be made of the said District Lot 264A:

And whereas such a survey was duly made in accordance with such direction:

And whereas all proceedings prescribed by the said Act and amendments were duly taken, and no complaints against the said survey having been lodged pursuant to notice given in that respect, the Lieutenant-Governor in Council did, by Order in Council dated the fifteenth day of July, A.D. 1908, approve of the said special survey so made by the direction of the Attorney-General aforesaid, and the plan of said survey then deposited in the office of the Provincial Secretary, a copy of which is now on file in the Land Registry Office in the City of Vancouver:

And whereas the proceedings to settle upon the amount of compensation which should be paid to land-owners and others within the limits of the said District Lot 264A for loss of land or other injury resulting from the adoption of the said special survey were never fully completed:

And whereas, in order to complete the same, the Lieutenant-Governor in Council did, under and by virtue of the "Public Inquiries Act," appoint a Commissioner to hear the claims of all persons who considered they were entitled to compensation in respect

of the resurvey and plan, to ascertain and report the amount of such claims, and generally to investigate and report on all matters in connection with the said survey and plan :

And whereas the Commissioner so appointed has presented a report recommending the passing of this Act for the purpose of confirming the said survey and for such purposes as are herein set out :

And whereas the property benefited by such resurvey is that property lying within the boundaries of the said District Lot 264A :

And whereas it is expedient that such property should be assessed in such manner as herein appears for the purpose of providing a fund for the payment of the compensation settled upon by the said Commissioner, or to be settled upon hereafter in accordance with the provisions of this Act :

And whereas 434.8/1221.71 of District Lot 264A is occupied by streets and lanes which are vested in the City of Vancouver :

And whereas, in respect of the last-mentioned proportion of the whole amount required to pay all claims for compensation, including all costs, charges, and expenses, relating to the said survey and to the proceedings under the said "Special Surveys Act" and under the said "Public Inquiries Act," it is deemed expedient that the City of Vancouver shall pay the same out of its general revenue :

And whereas, as to the proportion of 786.91/1221.71 of the whole amount required to pay all claims for compensation, including all costs, charges, and expenses, relating to the said resurvey and to the proceedings under the said "Special Surveys Act" and under the said "Public Inquiries Act," it is deemed expedient that the same shall be assessed against the lands other than the said streets and lanes within the boundaries of the said District Lot 264A :

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows :—

Plan 1771 the true
plan.

1. That the said special survey or resurvey of District Lot 264A made by the direction of the Attorney-General and the plan of said survey now deposited in the office of the Provincial Secretary and also in the Land Registry Office in the City of Vancouver, and numbered 1771, be and the same is hereby approved; and it is hereby declared that the said survey and plan are a true and correct survey and plan of the land hereby corrected, and that all boundaries and lines fixed by said survey and plan are the true boundaries and lines, whether of lots, streets, lanes, rivers, or creeks, or as between adjoining owners or between lots, and whether or not such boundaries or lines were in fact true boundaries and lines, save as hereinafter set out.

Survey amended.

2. So much of the said special survey or resurvey of the said District Lot 264A as relates to Block 148, in the said District Lot

264A, is hereby amended by substituting therefor the survey or plan thereof dated the twenty-seventh day of February, 1911, and signed by Hermon and Burwell, Provincial land surveyors and engineers, and for the purpose of identification initialled by the Provincial Secretary, and deposited in the office of the Provincial Secretary.

3. The said special survey or resurvey and the plan thereof shall operate as and from the fifteenth day of July, 1908, as a conveyance in fee to the proper person of all lands added to his original holding by the said plan of special survey or resurvey. Effect of resurvey.

4. All subdivision plans made and filed in the Land Registry Office previous to the fifteenth day of July, 1908, and based upon the original map or plan of the said District Lot 264A, numbered 185, shall, mutatis mutandis, apply to and be incorporated with the said plan or special survey or resurvey of the said District Lot 264A. Former plans to be incorporated with plan 1771.

5. For the purpose of raising funds to provide for the payment of the compensation set out in the schedule hereto, the Council of the City of Vancouver may, subject as hereinafter provided, pass by-laws for the following purposes:— To provide compensation, Vancouver may pass by-laws.

- (1). To assess and to levy and collect 786.91/1221.71 of the total sum of money set out in the Schedule hereto, together with the same proportion of the costs, charges, and expenses in connection with the making of the said special survey, the inquiry into the same held under and by virtue of the "Special Surveys Act, 1899," and the inquiry held under and by virtue of the commission dated the thirtieth day of August, 1910, and issued under and by virtue of the provisions of the "Public Inquiries Act," by an annual special rate upon all real property other than streets or lanes situated between the boundaries of the said District Lot 264A:
- (2.) For regulating the time or times and the manner in which the special assessments to be levied and collected hereunder are to be levied and paid, and for arranging the terms upon which the owners and other persons liable to pay the same may commute by the cash payment of their proportionate share of the same in principal sums:
- (3.) To provide an equitable mode of assessing corner lots, triangular or other irregular-shaped pieces of land, having due regard to the situation, value, and superficial area of such lots as compared with the adjoining lots and pieces of land assessable for the purpose of providing funds for the payment of compensation set out in the Schedule hereto. Any such assessment shall be subject to appeal to the Court of Revision, and from the Court of Revision to a Judge of the Supreme Court, as in this Act provided:

- (4.) Subject as hereinafter provided, for providing what portion of the lands within the boundaries of District Lot 264A (if any) is exempt from such special assessment; the proportion in which the assessment of that part of the said cost which is chargeable against the real property aforesaid is to be made upon the various portions of real property aforesaid; the time to be allowed for the payment of any debt which may be created for the purposes herein set out; and the number of annual special assessments which will be imposed to pay the interest upon the said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt, as the case may be.

Annual rate on
frontage.

6. The special rate to be so assessed and levied shall be an annual rate upon the real property, according to the frontage thereof, other than streets and lanes situate within the boundaries of the said District Lot 264A.

Effect of by-law.

7. Where a by-law for the purpose of dealing with the payment of compensation to property-owners within the boundaries of District Lot 264A is expressed to be made in pursuance of this Act, or referring thereto, and is passed by the Council of the City of Vancouver for borrowing money by the issue of debentures secured by local special rates on the property aforesaid, and contains any of the forms of words contained in Column 1 of Schedule B to the "Vancouver Incorporation Act, 1900, Amendment Act, 1907," and distinguished by a number therein, such by-law shall be taken to have the same effect and shall be construed as if it contained the forms of words contained in Column 2 of said Schedule B and distinguished by the same number, but it shall not be necessary in any such by-law to insert any such number.

By-law need not be
advertised.

8. (1.) No by-law passed under the provisions of this Act shall require to be advertised in any newspaper, but a written or printed, or partly written and partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners and lessees of the property assessable, or to the agents of such owners and lessees.

Notice instead.

(2.) Every such notice shall contain a general description of the property in respect of which the same is given; the fact that the same relates to the payment of compensation to property-owners within the boundaries of District Lot 264A; the actual cost thereof as set out in the Schedule hereto, with the addition of the costs of the resurvey and other charges as hereinbefore set out; the amount of the frontage of the particular piece of property and the time and

manner in which the special assessment is to be payable; and shall be signed by the assessment commissioner or other officer appointed by the Council of the City of Vancouver for the purpose, and shall at least fifteen days before the day appointed for the sitting of the Court be mailed to the address of the person entitled to receive the notice. Ten days' notice of the time and place of the meeting of the said Court shall also be given by publication in some newspaper having a general circulation, which notice shall specify that such assessment is for the purpose of paying compensation to owners of land within the boundaries of District Lot 264A, and of paying all costs and charges connected with the said special survey or resurvey and of the various commissions connected therewith.

(3.) The said notice may be in the form or to the effect following:—

Take notice that the Council of the Corporation of the City of Van- Form of notice.
couver intends to assess 786.91/1221.71 of the compensation which is due to certain land-owners in District Lot 264A, and certain costs and charges connected therewith, upon the lands within the boundaries of District Lot 264A, save and except streets and lanes, and that a statement showing the lands liable to and proposed to be specially assessed, and the names of the owners thereof, so far as the same can be ascertained from the last revised assessment roll and otherwise, is now filed in the office of the Assessment Commissioner, and is open for inspection during office hours.

A Court of Revision will be held on the day of , 191 , at the hour of , at the , for the purpose of hearing complaints against the proposed assessment or the accuracy of frontage measurements, or any other complaint which the persons interested may desire to make and which is by law cognizable by the Court.

Dated .

.....

Assessment Commissioner.

(4.) The Council of the City of Vancouver shall, for the purpose of making the said special assessment, procure a measurement to be made of the frontages liable to assessment for such purpose, and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment keep a statement of the same open for inspection in the office of the assessment commissioner. Frontage measurements to be open for inspection.

(5.) From any such assessment or proposed assessment there shall Appeal.
be the right of appeal to the Council of the City of Vancouver or any committee thereof, by by-law appointed, sitting as a Court of Revision, and from the Court of Revision to a Judge of the Supreme Court. The Court of Revision and the Judge shall have power to correct any errors in the names of the owners or in the frontage measurements of the properties assessed or caused by the omission of property which should be assessed, and to determine the proportion of assessment of corner lots or triangular or other irregular pieces

of land, and the proceedings thereon shall be the same (as nearly as practicable) as in the case of appeals from ordinary assessment under the "Assessment Act, 1903."

Final.

(6.) The assessment referred to in the preceding subsections, unless so far as the same is altered or varied by the Court of Revision or a Judge of the Supreme Court upon appeal, shall be final and conclusive as to all matters therein contained.

Temporary loan.

9. (1.) The Council of the City of Vancouver may make agreements with any bank or with any persons or body corporate for temporary advances and loans for meeting the payments to be made to owners of land in District Lot 264A as set out in the Schedule hereto, including all costs and charges connected therewith, and may in their option make the special assessments for same after the payment has been completed, and may then pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advances.

Repayment.

(2.) Every by-law passed under the preceding subsection for borrowing money by the issue of debentures as aforesaid shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law within a period of ten years.

New by-law to replace quashed by-law.

(3.) If a debt has been incurred by the Council of the City of Vancouver for any payment made under the provisions of this Act, and if after the incurring of the said debt the special assessment for such payment or the by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in making such assessment or passing such by-law, it shall be lawful for the said Council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payments of the debt so incurred.

No part of Vancouver's general debt.

10. It is hereby declared that the debentures issued under the local improvement by-laws on the security of the special assessments required to pay the compensation set out in the Schedule hereto, and the cost and charges connected therewith, or any other compensation in connection with District Lot 264A, shall form no part of the general debt of the City of Vancouver; and it shall not be necessary to recite the amount of the said debt in any by-law for borrowing money on the credit of the City of Vancouver at large, but it shall be sufficient to state in any such by-law that the amount of the general debt as therein set forth is exclusive of local improvement debts secured by special rates or assessments.

Commissioners to adjust compensation.

11. The said Council of the City of Vancouver shall, immediately after the assessment to pay the compensation set out in the Schedule hereto and the costs and charges connected therewith has become

final, appoint a commissioner or commissioners, who shall by writing under their hand settle and appoint the amount of the compensation set out in the Schedule hereto payable to any particular person in accordance with the report of the Commissioner under the "Public Inquiries Act" hereinbefore referred to, and such settlement shall be binding upon the City of Vancouver, and the amount so settled and determined shall be paid to the person indicated by the said commissioner or commissioners as being entitled thereto.

12. In case no provision shall be made in the said Schedule hereto for the payment of any compensation to any persons who shall claim to be entitled to compensation in connection with the said special survey or resurvey of the said District Lot 264A, such person may, by notice in writing to the commissioner or commissioners to be appointed under the powers contained in section 11 hereof, request that an adjudication be made upon the claim or claims submitted by him; and thereupon the said commissioner or commissioners shall investigate such claim or claims, and shall by writing under his or their hand designate the amount which such person is entitled to, and the name of the person who is entitled to same, and in such case or cases the Council of the City of Vancouver shall make a second or other additional assessment in the manner herein provided, and so on until sufficient moneys have been realized to pay all compensation which may be required, including the costs and expenses of the commissioner or commissioners to be appointed as aforesaid: Provided, however, that no claim for compensation shall be considered or paid after the first day of January, A.D. 1914.

If no provision made for compensation in any case.

13. (1.) Notwithstanding anything in this Act contained, or any changes made by the special survey or resurvey hereinbefore mentioned, the Vancouver, Victoria and Eastern Railway and Navigation Company shall hold all lands heretofore conveyed to the said railway company in the same position (so far as the relationship between the boundaries of the said lands and the situation of the centre line of the railway of the said railway company is concerned) as they would occupy under such conveyances and undiminished in area, but nothing herein contained shall entitle the said railway company to hold under this section any greater area of land than originally purchased.

Exception as to Vancouver, Victoria and Eastern Railway.

(2.) Any person who by reason of the last preceding subsection does not obtain the lands which but for the last preceding subsection he would have obtained shall be entitled to claim compensation under section 12 hereof.

14. The balance of the compensation set out in the Schedule hereto, namely, 434.8/1221.71 thereof, together with the same proportion of the costs, charges, and expenses in connection with the

Balance from general revenue.

making of the said special survey, the inquiry into the same held under and by virtue of the "Special Surveys Act, 1899," and the inquiry under the "Public Inquiries Act" shall be paid by the City of Vancouver out of its general revenue.

SCHEDULE.

Total value of compensation for land lost awarded to property-owners in District Lot 264A	\$31,960 20
Total value of compensation for moving buildings and fences awarded to property-owners in District Lot 264A	3,905 00

CHAPTER 55.

An Act ratifying certain Agreements respecting False Creek, Vancouver.

[1st Merch, 1911.]

Preamble.

WHEREAS His Majesty the King, herein acting and represented by the Honourable Richard McBride, Minister of Mines, has heretofore, on the ninth day of February, 1911, entered into an Agreement with the Vancouver, Victoria and Eastern Railway and Navigation Company, copy of which, under the designation of "Agreement A," forms part of the Schedule to this Act:

And whereas the City of Vancouver has heretofore, on the sixteenth day of May, 1910, entered into an Agreement with the Vancouver, Victoria and Eastern Railway and Navigation Company, a copy of which, under the designation of "Agreement B," forms part of the Schedule to this Act, which Agreement was, by the said Agreement between His Majesty the King and the Vancouver, Victoria and Eastern Railway and Navigation Company, in all respects, ratified and confirmed except as to those matters wherein the last-mentioned Agreement was inconsistent with or in extension of the said Agreement between the City of Vancouver and the Vancouver, Victoria and Eastern Railway and Navigation Company:

And whereas the performance of said "Agreement A" on the part of the Victoria, Vancouver and Eastern Railway and Navigation Company has been duly guaranteed by the Great Northern Railway Company by an instrument in writing dated the ninth day of February, 1911, a copy of which, under the designation of "Agreement C," forms a part of the Schedule to this Act:

And whereas it is deemed expedient to ratify and confirm the said Agreements, as in this Act hereinafter set forth:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the “False Creek Confirmatory Act.” Short title.

2. The said Agreement, a copy of which forms part of the Schedule to this Act, under the designation of “Agreement A,” is hereby ratified and confirmed, and is declared to be legally binding, according to the tenor thereof, upon His Majesty and the Vancouver, Victoria and Eastern Railway and Navigation Company; and the said Agreement, a copy of which, under the designation of “Agreement B,” forms part of the Schedule to this Act, is hereby ratified and confirmed in all respects except only as to those matters wherein the said Agreement is modified or extended by the said Agreement, copy of which, under the designation of “Agreement A,” forms part of the Schedule to this Act, and is declared, subject only to the said exception, to be legally binding, according to the tenor thereof, upon the City of Vancouver and the Vancouver, Victoria and Eastern Railway and Navigation Company; and the parties to the said Agreements, and each of them, so far as the Legislature of the Province of British Columbia has power to enact, are hereby authorized and empowered to do whatever is necessary to give full effect to the said Agreements, as the same are herein ratified and confirmed, the provisions of which are to be taken as if they had been expressly enacted hereby and formed an integral part of this Act.

Agreements A and B confirmed.

3. The Lieutenant-Governor in Council is hereby authorized to convey in fee-simple to the City of Vancouver, and the City of Vancouver is hereby authorized to convey to the Vancouver, Victoria and Eastern Railway and Navigation Company, its successors and assigns, in fee-simple free from all restrictions, but without prejudice to property rights and privileges of any of the riparian owners facing or abutting on the waters of False Creek or any arm thereof east of Westminster Avenue Bridge, all that portion of the lands heretofore conveyed by grant dated the third day of March, 1902, which the City of Vancouver, under “Agreement B” hereto, agreed to convey to the said the Vancouver, Victoria and Eastern Railway and Navigation Company.

Lieut.-Governor in Council authorized to convey.

4. It is hereby declared that “Agreement B” is and has been from the making thereof a good, valid, and binding contract between the parties thereto on the terms therein contained.

“Agreement B” confirmed.

5. It is hereby declared that “Agreement C” is and has been from the making thereof a good, valid, and binding contract between the parties thereto on the terms therein contained.

“Agreement C” confirmed.

SCHEDULE.

AGREEMENT C.

KNOW ALL MEN BY THESE PRESENTS that the Great Northern Railway Company (a corporation duly organized and existing under and by virtue of the laws of the State of Minnesota, United States of America), for and in consideration of one dollar (\$1) to it in hand paid, the receipt whereof is hereby by it acknowledged, and other and further valuable consideration to it moving, doth hereby guarantee the full and faithful performance by the Vancouver, Victoria and Eastern Railway and Navigation Company of that certain contract made and entered into between the Vancouver, Victoria and Eastern Railway and Navigation Company and the City of Vancouver, of date the sixteenth of May, 1910, except as modified by the agreement hereinafter referred to, and of that other certain contract between the Province of British Columbia and the said Vancouver, Victoria and Eastern Railway and Navigation Company, of date the ninth day of February, 1911. Copies of said contracts, the performance of which is hereby guaranteed, are attached hereto and made a part hereof.

In witness whereof the said Great Northern Railway Company has caused these presents to be signed by its President and Assistant Secretary, hereunto respectively authorized, and its corporate name and seal to be hereunto affixed this ninth day of February, in the year of our Lord one thousand nine hundred and eleven.

In the presence of—

L. C. GILMAN.

H. E. CAULFIELD.

LOUIS W. HILL,
President.

F. W. BOBBETT,
Assistant Secretary.

[SEAL]

AGREEMENT A.

MEMORANDUM OF AGREEMENT, made this ninth day of February, A.D. 1911,
Between,

HIS MAJESTY THE KING (hereinafter called "the Government," and herein acting and represented by the Honourable Richard McBride, Minister of Mines for the Province of British Columbia) of the first part;

and

THE VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY (hereinafter called the "Railway Company") of the second part.

Whereas, by Statute, being chapter 42 of the Statutes of the year 1900, it was enacted that it should be lawful for the Lieutenant-Governor in Council, upon such terms and conditions as he should see fit, to grant to the Corporation of the City of Vancouver, inter alia,—

All the estate, right, title, and interest of Her Majesty the Queen in the right of the Province of British Columbia in the foreshore of False Creek, in the City of Vancouver, and in the land covered by the waters of said creek, which said foreshore and land covered with water are coloured pink upon the map signed by the Honourable Wilmer Cleveland Wells, Chief Commissioner of Lands and Works, and by James Ford Garden, Mayor of said city, and

lying easterly of the projection south of the west boundary of Carrall Street, and filed in the Department of Lands and Works at Victoria, the fourteenth day of August, A.D. 1900:

And whereas by grant under the Great Seal of the Province of British Columbia, dated the third day of March, A.D. 1902, a grant was made to the City of Vancouver, its successors and assigns, of all the estate, right, title, and interest of His Majesty the King in the right of the Province of British Columbia in the foreshore of False Creek, in the City of Vancouver, and in the land covered by the waters of said creek, which said foreshore and land covered with water are coloured pink upon the map signed by the Honourable Wilmer Cleveland Wells, Chief Commissioner of Lands and Works, and by James Ford Garden, formerly Mayor of said city, and lying easterly of the projection south of the west boundary of Carrall Street, and filed in the Department of Lands and Works at Victoria the fourteenth day of August, A.D. 1900, and known as Lot Two thousand and thirty-seven (2037), Group One, New Westminster District:

And whereas in the said grant it was provided that the hereditaments thereby granted should be used for park, industrial, or business purposes only, and that the same might be leased by the City of Vancouver for a term not to exceed forty (40) years to any person or corporation to enable them to carry on industrial manufacturing or business enterprises, but should not be granted in fee:

And whereas by agreement, dated the sixteenth day of May, A.D. 1910, made between the City of Vancouver of the one part, and the Railway Company of the other part, the said City of Vancouver agreed on the terms contained in said agreement to convey to the Railway Company, its successors and assigns, all that portion of the lands included in the said grant described as follows:—

All that portion of the bed and foreshore of False Creek lying east of Westminster Avenue, in the City of Vancouver, British Columbia, that is situated between the ordinary high-tide mark of False Creek, following its various bends, sinuosities, and curves, and a line commencing at the south-east corner of Lot Forty-five (45), Block Twenty-five (25), District Lot One hundred ninety-six (196), Group One (1), New Westminster District, in the City of Vancouver, British Columbia, which corner is one hundred twelve and seven-tenths (112.7) feet easterly from the east line of Westminster Avenue, measured along the dividing line between Lots Forty-five (45) and Forty-six (46) in said block; thence south seventy-seven degrees thirty-one minutes east (S. 77° 31' E.) three thousand eight hundred and fifty-nine (3,859) feet, more or less, to a point, said point being four hundred eighty-one and nine-tenths (481.9) feet from the westerly limit of Boundary Avenue measured along said course; thence on a curved line to the right with a radius of five hundred seventy-three and sixty-eight hundredths (573.68) feet, seven hundred fifty and two-tenths (750.2) feet to a point on a line drawn parallel to and forty (40) feet distant from the westerly limit of Boundary Avenue produced southerly as described in this Agreement; thence on a line south two degrees thirty minutes east (S. 2° 30' E.), being tangential to said curved line five hundred twenty and three-tenths (520.3) feet, to a point of curve; thence on a curved line to the right with a radius of five hundred seventy-three and sixty-eight hundredths (573.68) feet, one thousand forty-nine and eight-tenths (1,049.8) feet; thence on a line north seventy-seven degrees thirty-one minutes west (N. 77° 31' W.), being tangential to last-described curve line, three thousand three hundred thirty-two and eight-tenths (3,332.8) feet, more or less, to a point on the line between Lots Twenty-two (22) and Twenty-three (23), Block Three (3), District Lot Two hundred A (200 A), produced north-easterly, which point is two hundred twenty-one and five-tenths (221.5) feet north-easterly from the north limit of Front Street; thence north sixty-seven degrees twenty minutes west (N. 67° 20' W.), four

hundred ninety-four and one-tenth (494.1) feet, more or less, to a point, said point being seventy-five (75) feet distant from the east limit of Westminster Avenue, measured along the dividing line between Lots Thirteen (13) and Fourteen (14), Block Three (3), District Lot Two hundred A (200 A), Group One (1), New Westminster District, in the City of Vancouver, as shown on the plan annexed to the said agreement;

Excepting thereout the area to be occupied by Boundary Avenue as extended sixty-six (66) feet in width from the north shore of False Creek to Glen Drive, on the south shore;

Also excepting the extension of Fifth Avenue westerly from the easterly shore of False Creek to the extension of Boundary Avenue produced as above described;

Also the extension forty (40) feet in length by one hundred and twenty-five (125) feet in width of that portion of the proposed road through the city's property, being the extension or First Avenue which lies on the west side of the extension of Boundary Avenue:

And whereas the City of Vancouver has requested the Lieutenant-Governor in Council to amend the aforesaid grant to the City of Vancouver so as to enable the said city to carry out the said agreement, and it is deemed desirable for the public good that the said City of Vancouver should be enabled to convey the lands described in the said agreement to the said Railway Company, its successors and assigns, in fee-simple, free from any restrictions, saving and excepting the rights (if any) of any and all riparian or littoral properties as such:

And whereas the Railway Company have agreed with the Government that the said agreement hereinbefore in part recited shall be modified in the manner hereafter appearing:

Now, this Agreement witnesseth, and the parties hereto have agreed, as follows:—

1. That, notwithstanding anything contained in the Statutes and grant hereinbefore in part recited and referred to, the Lieutenant-Governor in Council be and he is hereby authorized to convey in fee-simple to the City of Vancouver, and the said City of Vancouver is hereby authorized to convey over to the Railway Company, its successors and assigns, in fee-simple, free from all restrictions, but without prejudice to property rights and privileges (if any) of riparian owners facing or abutting on the waters of False Creek or any arm thereof east of Westminster Avenue Bridge, all that portion of the bed and foreshore of False Creek described as follows:—

All that portion of the bed and foreshore of False Creek lying east of Westminster Avenue, in the City of Vancouver, British Columbia, that is situated between the ordinary high-tide mark of False Creek, following its various bends, sinuosities, and curves, and a line commencing at the south-east corner of Lot Forty-five (45), Block Twenty-five (25), District Lot One hundred and ninety-six (196), Group One (1), New Westminster District, in the City of Vancouver, British Columbia, which corner is one hundred twelve and seven-tenths (112.7) feet easterly from the east line of Westminster Avenue, measured along the dividing line between Lots Forty-five (45) and Forty-six (46) in said block; thence south seventy-seven degrees thirty-one minutes east (S. 77° 31' E.) three thousand eight hundred and fifty-nine (3,859) feet, more or less, to a point, said point being four hundred eight-one and nine-tenths (481.9) feet from the westerly limit of Boundary Avenue measured along said course; thence on a curved line to the right with a radius of five hundred seventy-three and sixty-eight hundredths (573.68) feet, seven hundred fifty and two tenths (750.2) feet to a point on a line drawn parallel to and forty (40) feet distant from the westerly limit of Boundary Avenue produced southerly as described in this Agreement; thence on a line south two degrees thirty minutes east (S. 2° 30' E.), being tangential to said curved line five

hundred twenty and three-tenths (520.3) feet, to a point of curve; thence on a curved line to the right with a radius of five hundred seventy-three and sixty-eight hundredths (573.68) feet, one thousand forty-nine and eight-tenths (1,049.8) feet; thence on a line north seventy-seven degrees thirty-one minutes west (N. 77° 31' W.), being tangential to last-described curved line, three thousand three hundred thirty-two and eight-tenths (3,332.8) feet, more or less, to a point on the line between Lots Twenty-two (22) and Twenty-three (23), Block Three (3), District Lot Two hundred A (200 A), produced north-easterly, which point is two hundred twenty-one and five-tenths (221.5) feet north-easterly from the north limit of Front Street; thence north sixty-seven degrees twenty minutes west (N. 67° 20' W.), four hundred ninety-four and one-tenth (494.1) feet, more or less, to a point, said point being seventy-five (75) feet distant from the east limit of Westminster Avenue, measured along the dividing line between Lots Thirteen (13) and Fourteen (14), Block Three (3), District Lot Two hundred A (200 A), Group One (1), New Westminster District, in the City of Vancouver, as shown on the plan annexed to the said agreement;

Excepting thereout the area to be occupied by Boundary Avenue as extended sixty-six (66) feet in width from the north shore of False Creek to Glen Drive, on the south shore;

Also excepting the extension of Fifth Avenue westerly from the easterly shore of False Creek to the extension of Boundary Avenue produced as above described;

Also the extension forty (40) feet in length by one hundred and twenty-five (125) feet in width of that portion of the proposed road through the city's property, being the extension of First Avenue which lies on the west side of the extension of Boundary Avenue.

2. The Railway Company shall develop, construct, and erect on the north side of False Creek, within five (5) years from the date of the passage of an Act of the Legislative Assembly of British Columbia confirming this Agreement, union passenger terminals and station, at a cost of not less than five hundred thousand dollars (\$500,000), such station to be located near the intersection of Park Lane and Prior Streets, in the City of Vancouver. Such terminals and station shall be so designed and constructed as to be suitable for the use of the Vancouver, Victoria and Eastern Railway and Navigation Company, and such other railway companies as shall hereafter build railway-lines into the City of Vancouver, or enter over the lines of the Railway Company, and such other railway companies shall be entitled to the joint use of said terminals and station to the extent of the reasonable capacity thereof, upon the payment of a just and reasonable compensation for said use. The just and reasonable compensation to be paid by any such company for the use of such terminals and station shall in no event be less than its use proportion upon a car basis of five per cent. (5%) per annum on the value of the property and structures included within said passenger terminals, and incidental to the use thereof and access thereto, and the same proportion of the cost of maintenance and operation thereof, including taxes. In case the Railway Company, and any company desiring to use such passenger terminals and station, cannot agree upon the value upon which interest is to be computed, the same shall be determined by the Lieutenant-Governor in Council upon application by either party.

3. If the Lieutenant-Governor in Council shall order it so to do, the Railway Company will, for a just and reasonable compensation, handle both in and out through any freight yard or yards that it may develop on False Creek, east of Westminster Avenue, the freight-cars of other companies hereafter building railway-lines into the City of Vancouver, or entering over the lines of the Vancouver, Victoria and Eastern Railway and Navigation Company, so long as by so doing its own necessary use of such yard or yards shall not be

substantially impaired; and will also in such case provide reasonable and convenient access to such yard or yards so that such other companies may enter the same for the purpose of placing cars on a suitable transfer track to be provided therein.

And the Railway Company will, upon like order, and so long as its own use thereof is not impaired, handle both in and out through its freight-sheds at Vancouver the freight of other companies, for a just and reasonable compensation, and allow access to said freight-sheds by means of any driveways it may establish thereto for the receipt and delivery of the freight of such other company.

4. The Railway Company will, upon order of the Lieutenant-Governor in Council, permit any other railway company hereafter building a railway-line to the City of Vancouver, or entering the said city over the lines of the Railway Company, the temporary use of a sufficient amount of its unoccupied property on the south side of False Creek and east of Westminster Avenue for freight-shed and steam-track purposes, and for driveways between the same and a city street or city streets: Provided always that the property so desired for the use of such other railway company is reasonable in amount and not occupied by the said Railway Company for railway purposes, or by its patrons for the purpose of a warehouse or warehouses, business or businesses, industry or industries, needing railway tracks and service, or required in the near future for any of such uses: And provided further that such other company or companies shall surrender any such property, the temporary use of which is so permitted, to the Railway Company on twelve (12) months' notice so to do, if the same shall be required for any of the above purposes by the said Railway Company or any of its patrons. Any other railway company so using any of such property of the Railway Company shall pay reasonable rental for the use of the same, said rental to be determined by agreement, or, in case of disagreement between any such railway company and the Railway Company, the said rental shall be determined by the Lieutenant-Governor in Council upon application of either party.

5. Wherever in this Agreement just and reasonable compensation is provided to be paid for the use of the property of or for services to be rendered by the Railway Company for another railway company, and the amount or basis thereof is not fixed by this Agreement, and shall not have been determined by the Railway Commission of Canada, the amount of such just and reasonable compensation may be fixed and determined by the Lieutenant-Governor in Council upon application of either party; and if a dispute shall arise between the Railway Company and another railway company concerning the justness or reasonableness of any charge made by the Railway Company to another railway company under this contract or any contract that may be made pursuant thereto, and the subject-matter of said dispute is not within the jurisdiction of the Railway Commission of Canada, or shall not have been determined by such Railway Commission, then the same may be settled and determined by the Lieutenant-Governor in Council upon application of either party.

6. In case the property agreed to be conveyed to the Railway Company by its Agreement with the City of Vancouver of date of 16th May, 1910, shall not have been filled in within five (5) years from the date of the passage of the Confirmatory Act hereinbefore referred to, the Railway Company will, upon receiving six months' notice from the Lieutenant-Governor in Council, complete said filling-in, unless the same shall be prohibited or restrained at the instance of a private owner or owners having riparian or littoral rights, within such reasonable time as said Lieutenant-Governor in Council shall fix and determine.

7. The Railway Company shall erect, as a part of its terminals at Vancouver, roundhouses of sufficient size and capacity to properly and adequately provide

for the storage and repair business of said Railway Company at the Vancouver terminals, and expend thereon within five (5) years from the date of this Agreement not less than twenty-five thousand dollars (\$25,000).

8. Said Railway Company shall obtain from the Great Northern Railway Company its guaranty of the performance of this contract and of the contract of May 16th, 1910, between the said Vancouver, Victoria and Eastern Railway and Navigation Company and the City of Vancouver.

9. Wherever this Agreement is inconsistent with or in extension of the agreement between the Railway Company and the City of Vancouver, dated 16th May, 1910, the said agreement of 16th May, 1910, shall be deemed to be modified or extended accordingly, and in all other respects the said agreement of 16th May, 1910, is hereby ratified and confirmed.

In witness whereof this Agreement has been duly executed by the parties hereto.

		RICHARD McBRIDE, <i>Minister of Mines.</i>
		[SEAL]
Signed, sealed, and delivered in the presence of—	VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.	
W. J. BOWSER, <i>Attorney-General, As to Government.</i>	By	LOUIS W. HILL, <i>President</i>
		[SEAL]
L. C. GILMAN, E. PEARSON, <i>As to the Vancouver, Victoria and Eastern Railway and Navigation Company.</i>	Attest:	A. H. MACNEILL, <i>Secretary.</i>
		[SEAL]

AGREEMENT B.

MEMORANDUM OF AGREEMENT, made this sixteenth day of May, A.D. 1910,
Between,

THE CITY OF VANCOUVER (hereinafter called "the City") of the one part;
and

THE VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY (hereinafter called the "Railway Company") of the other part.

Whereas the City have obtained grants from the Dominion of Canada and from the Province of British Columbia of the bed of False Creek lying east of Westminster Avenue, in the City of Vancouver:

And whereas the Railway Company are the owners of land fronting on False Creek east of Westminster Avenue, and are entitled to the exercise of and to enjoy riparian rights appurtenant to such lands:

And whereas by memorandum of agreement dated the tenth day of December, A.D. 1907, made between the City of the one part, and The Vancouver, Westminster and Yukon Railway Company of the other part, certain arrangements were made by the said parties regarding the utilization of portions of the bed of False Creek:

And whereas the Railway Company are the assignees of all the rights and interests of the said Vancouver, Westminster and Yukon Railway Company in or under said agreement, and the Railway Company have acquired, in addition to all the lands fronting on the said portion of the bed of False Creek then owned by the Vancouver, Westminster and Yukon Railway Company, a large portion of other lands fronting on the bed of False Creek east of Westminster Avenue aforesaid:

And whereas it is in the interests of the City and of the Railway Company that the bed of False Creek lying east of Westminster Avenue should be divided between the parties hereto as hereinafter provided, and mutual releases given by the one party to the other so that the Railway Company may acquire from the City all its title to or interest in those certain portions of the bed of False Creek hereinafter described, and may fill in upon or otherwise reclaim the same, and that the City may be in a position to fill in upon or otherwise reclaim the other portions of such bed of False Creek, or otherwise deal with the same as they may see fit, freed from any riparian rights which the Railway Company or others may have:

And whereas, for the purpose of carrying out the scheme which the parties now have in view for the reclamation of the bed of False Creek lying east of Westminster Avenue, the parties have agreed in manner hereinafter appearing:

And whereas the grants which the City have to the said portion of the bed of False Creek are subject to certain restrictions on the City's right to alienate the same, and the City have agreed with the Railway Company, upon the consent of the Dominion and Provincial Governments being obtained, to have all such restrictions removed:

Now, this Agreement witnesseth that, in consideration of the sum of one dollar by each paid to the other, and of the mutual covenants and agreements hereinafter contained, the parties have agreed as follows:—

1. The City will forthwith (after all the restrictions on their right to alienate the lands described in those certain grants made by the Government of Canada and by the Province of British Columbia are removed) convey to the Railway Company, its successors and assigns, all its right, title, and interest in and to all that portion of the bed and foreshore of False Creek lying east of Westminster Avenue, in the City of Vancouver, B.C., that is situated between the ordinary high-tide mark of False Creek, following its various bends, sinuosities, and curves, and a line commencing at the south-east corner of Lot Forty-five, Block Twenty-five, District Lot One hundred and ninety-six, Group One, New Westminster District, in the City of Vancouver, B.C., which corner is one hundred twelve and seven-tenths feet easterly from the east line of Westminster Avenue, measured along the dividing line between Lots Forty-five and Forty-six in said block; thence south seventy-seven degrees thirty-one minutes east three thousand eight hundred and fifty-nine feet, more or less, to a point, said point being four hundred eighty-one and nine-tenths feet from the westerly limit of Boundary Avenue measured along said course; thence on a curved line to the right with a radius of five hundred seventy-three and sixty-eight hundredths feet, seven hundred fifty and two-tenths feet to a point on a line drawn parallel to and forty feet distant from the westerly limit of Boundary Avenue produced southerly as described in this Agreement; thence on a line south two degrees thirty minutes east, being tangential to said curved line, five hundred and twenty and three-tenths feet to a point of curve; thence on a curved line to the right with a radius of five hundred seventy-three and sixty-eight hundredths feet, one thousand forty-nine and eight-tenths feet; thence on a line north seventy-seven degrees thirty-one minutes west, being tangential to last-described curved line, three thousand three hundred thirty-two and eight-tenths feet, more or less, to a point on the line between Lots Twenty-two and Twenty-three, Block Three, District Lot

Two hundred "A," produced north-easterly, which point is two hundred twenty-one and five-tenths feet north-easterly from the north limit of Front Street; thence north sixty-seven degrees twenty minutes west four hundred ninety-four and one-tenth feet, more or less, to a point, said point being seventy-five feet distant from the east limit of Westminster Avenue, measured along the dividing line between Lots Thirteen and Fourteen, Block Three, District Lot Two hundred "A," Group One, New Westminster District, in the City of Vancouver, and shown on the plan hereunto annexed;

Excepting thereout the area to be occupied by Boundary Avenue as extended sixty-six feet in width from the north shore of False Creek to Glen Drive, on the south shore;

Also excepting the extension of Fifth Avenue westerly from the easterly shore of False Creek to the extension of Boundary Avenue produced as above described;

Also the extension forty feet in length by one hundred and twenty-five feet in width of that portion of the proposed road through the City's property, being the extension of First Avenue which lies on the west of the extension of Boundary Avenue.

2. The Railway Company will commence the reclamation by filling in the lands so conveyed to it within ninety days after it shall have obtained such conveyance and shall have obtained approval of its plans and works by the Board of Railway Commissioners for Canada (to be applied for within ninety days as aforesaid), and of any other parties, authorities, or official whose approval or consent may be necessary under any law or Statute, and will immediately after obtaining such conveyance and authority proceed with the work of reclamation and filling-in until a sufficient amount of filling shall have been done to enable it to establish at the point hereinafter mentioned freight and passenger terminals adequate to the business to be transacted by it in the City of Vancouver. The said freight and passenger terminals are to be completed within a period of five years after the work has been commenced. The total expenditure of the Railway Company on the north side of False Creek for lands, reclamation, and construction of terminals will be not less than two million five hundred thousand dollars (\$2,500,000).

3. The Railway Company will construct a union passenger station at or near the intersection of Park Lane and Prior Street.

4. The Railway Company will release to the City all riparian rights and rights of navigation in and to all that portion of the shore and bed of False Creek east of Westminster Avenue, except such rights as may be possessed by the owners of lots in Block Twenty-five, in District Lot One hundred and ninety-six, Group One, New Westminster District, south of Lot Forty-five in said block, and in Block Three, District Lot Two hundred "A," north of Lot Fourteen.

5. The Railway Company will, if the City so desire, at the time of filling in the lands so to be conveyed to them, fill in upon the lands adjacent thereto or any portion thereof owned by the City at the actual cost to the Railway Company for the performance of such work.

6. The passenger station so to be erected by the Railway Company shall be designated for a union passenger station so that the Great Northern Railway Company, the Northern Pacific Railway Company, the Grand Trunk Pacific Railway Company, and the Canadian Northern Railway Company, or any other railway company, if they shall hereafter build railway-lines into the City of Vancouver, can obtain joint use thereof upon such terms as the Board of Railway Commissioners may deem reasonable, necessary, and just, based upon the expenditure made by the Railway Company in connection with the acquisition of lands fronting on False Creek, together with interest and cost of reclamation, and building and cost of maintenance and upkeep of such terminals.

7. The City hereby agrees to pass by-laws for closing and conveying to the Railway Company the following portions of streets and lanes, namely:—

- (a.) All that portion of Grove Crescent lying south of a line being the north boundary of Block One hundred and nine, in District Lot One hundred and ninety-six, produced easterly to Block One hundred and ten and westerly to Block One hundred and six, in District Lot One hundred and ninety-six:
- (b.) All that portion of Hawkes Avenue lying south of the north line of Block One hundred and fourteen, District Lot One hundred and eighty-one, produced across Hawkes Avenue:
- (c.) All that portion of William Street between Blocks One hundred and fifteen and One hundred and eighteen, District Lot One hundred and eighty-one, that lies west of a line drawn parallel to Raymur Avenue through the intersection of the southerly boundary of the new street to be constructed connecting Bayview Street with Raymur Avenue, as provided in paragraph 9, subsection (c), hereof, with the southerly boundary of Block One hundred and fifteen aforesaid:
- (d.) All that portion of Gore Avenue lying south of the north boundary of Block Twenty-five, District Lot One hundred and ninety-six, produced in the same course across Gore Avenue to the north boundary of Block One hundred and five, District Lot One hundred and ninety-six:
- (e.) All that lane leading from Park Lane to the shore of False Creek and lying north of Lot Twenty-one, in Block Twenty-five, District Lot One hundred and ninety-six:
- (f.) The lane between Blocks One hundred and ten and One hundred and eleven, District Lot One hundred and eighty-one, leading from Heatley Avenue to the shore of False Creek.

8. The Railway Company consents to the City extending its sewers and drains from time to time through the lands so to be conveyed to them at convenient places, in conformity with any general system of drainage and sewerage that may from time to time be designed by the City Engineer, and grants the right to enter upon, repair, renew, and rebuild the same from time to time. The Railway Company will pay the City the amount of any damage done to septic tanks at Grove Crescent and Parker Street.

9. The Company agrees to convey for street purposes the following lands, namely:—

- (a.) A strip of land sixty-six feet wide, commencing at the west end of Bayview Street and extending to Grove Crescent, as shown in the plan hereto annexed:
- (b.) Such portions of lots in Block One hundred and eleven and One hundred and ten, in District Lot One hundred and eighty-one, as may be necessary to extend the east boundary of Heatley Avenue in a southerly direction from Prior Street at right angles with the new street referred to in subparagraph (a) hereof:
- (c.) A strip of land sixty-six feet wide extending from the intersection of Raymur Avenue and William Street to the intersection of Bayview Street and Campbell Avenue, and William Street westerly to high-water mark between Blocks Forty-seven and Forty-eight, District Lot One hundred and eighty-two:
- (d.) A sufficient portion of lots in Block Twenty-five to make Park Lane one hundred feet wide:
- (e.) Subject to existing leases, portions of Lots Forty-one and Forty-three "B" and Forty-four "B," in Block Twenty-five, District Lot One hundred and ninety-six, to continue Park Lane at its width of one hundred feet to the shore of False Creek.

10. The Railway Company consents to the City extending Carl Avenue from Grove Street by an overhead crossing over its tracks extending to the outer boundary of the Railway Company's property, and to its constructing approaches thereto, and will provide the necessary right-of-way therefor, and will pay one-half of the cost of construction of such overhead crossing and approaches; and also consents to the City extending the following streets by overhead crossings to the outer boundary of the Railway Company's property, namely: First Avenue, Carolina Street, and Hawkes Avenue, or such other street in each case as the City may select in lieu thereof. The Railway Company will pay one-half of the cost of construction of the overhead crossing and approaches at First Avenue. The Railway Company also consents to the extension of Boundary Avenue southerly to Glen Drive, and to the extension of Fifth Avenue westerly to Boundary Avenue.

11. The City consents to all orders being made by the Board of Railway Commissioners for Canada necessary for conveniently carrying out the terms of this Agreement, including the location of tracks and crossings over streets and grades.

12. The Railway Company consents to any order of the Board of Railway Commissioners that may be necessary for the purpose of allowing the lines of any other railway company to cross their tracks for the purpose of obtaining access to the said union passenger station, or to those portions of the bed of False Creek owned by the City. The Railway Company admits that circumstances exist which warrant the Board of Railway Commissioners for Canada in making an order under section 176 of the "Railway Act" regarding the use of its railways from a point in Hastings Townsite at or near Still Creek siding to a connection with the union station and to the easterly boundary of the City's property on False Creek, and further agrees not to create conditions which will, in the opinion of the Board of Railway Commissioners, prevent any such necessary order being obtained.

13. The Railway Company assents to the alteration of the plans prepared by the City under the provisions of the "False Creek Foreshore Act" and amendments, and to the filing of a new plan or plans by the City which will carry out any scheme or schemes which the City may desire, which is not inconsistent with this Agreement, for the improvement of any portion of the lands owned by the City in the bed of False Creek.

14. Any of the provisions of the agreement dated the tenth day of December, 1907, between the City and the Vancouver, Westminster and Yukon Railway Company, heretofore in part recited, which are inconsistent with this Agreement are hereby mutually rescinded, and the provisions of this Agreement are substituted therefor.

15. The Railway Company will employ white labour only in and about the carrying-on of the work heretofore referred to, and will not carry on any construction work on the Sabbath Day.

16. All employees of the Railway Company will, as far as possible, be residents of the Province of British Columbia. All materials and supplies for the carrying-on of the work of the Railway Company heretofore referred to will, prices and terms being as favourable as can be obtained elsewhere, be purchased within the Province of British Columbia.

17. The Company will pay or cause to be paid to any workmen, artisans, mechanics, and labourers employed by them in the work herein provided for a rate of wages not less than that generally accepted as current in the City of Vancouver for competent workmen, artisans, or mechanics when employed in similar work to that hereby provided for.

18. The Company will not employ upon the work mentioned in this Agreement, either directly or indirectly, any Asiatic or person of the Asiatic race, and in the event of their employing any Asiatic or person of the Asiatic race they shall forfeit and pay to the City the sum of one dollar for each and

every day or portion of a day each such Asiatic or person of the Asiatic race may be employed.

19. The Railway Company will protect and save harmless the City from any liability for damages, compensation, or costs arising from or occasioned by any works carried on or use made by the Railway Company with respect to the lands referred to in this Agreement, or by the closing of streets or lanes under paragraph 7 hereof; and if any claim is made or action brought against the City, the City will notify the Company of such claim or action, and the Company will be at liberty in the name of the City, but at its own cost and expense, to defend such claim or action.

20. Annexed hereto as a part of this contract is a plan showing in colours the outer boundary of the lands to be conveyed by the City to the Railway Company, together with the position of overhead crossings, new streets, and portions of streets closed and lands retained by the City.

21. This Agreement shall take effect after a by-law approving the same has been voted upon and received the assent of the electors of the City of Vancouver by a by-law submitted to them under the provisions of the "Vancouver Incorporation Act" and amendments.

22. Should the City be unable within one year from the date hereof to have the restrictions on alienations contained in such Crown grants removed therefrom, this Agreement and every clause, condition, and thing herein contained shall be null and void, and the parties hereto shall be in the same position as if this Agreement had never been made.

In witness whereof the City and the Railway Company have caused their corporate seals to be hereto affixed by their proper officers properly authorized in that behalf the day and year first above written.

Signed, sealed, and delivered in the presence of—

[SEAL.]

L. D. TAYLOR, *Mayor*.

WM. McQUEEN, *City Clerk*.

THE VANCOUVER, VICTORIA AND EASTERN
RAILWAY AND NAVIGATION COMPANY.

[SEAL.]

F. V. BROWN, *Vice-President*.

A. H. McNEILL, *Secretary*.

CHAPTER 56.

An Act to enable the City of Vancouver to acquire certain Lands and Interests in, on, or adjoining the Foreshore of a certain Portion of False Creek, Vancouver.

[1st March, 1911.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "False Creek Reclamation Act."

Expropriation of
portion of fore-
shore.

2. If the City of Vancouver (hereinafter called "the Corporation") desires to purchase or take Lots Forty-six (46) to Fifty-one

(51), inclusive, in Block Twenty-five (25), according to the subdivision of District Lot One hundred and ninety-six (196), Group One (1), and Lots One (1) to Thirteen (13), inclusive, in Block Three (3), according to the subdivision of District Lot Two hundred A (200 A), in the City of Vancouver, and any rights, littoral, riparian interests, or rights of access to the waters of False Creek, or foreshore rights in, on, or contiguous or appertaining to the same, the Council of the Corporation shall give notice thereof to all persons, corporate bodies, and parties interested in such lands, littoral, riparian, foreshore rights or interests; and all such notices shall demand from such persons, bodies corporate, and parties the particulars of their estate and interest in such lands, riparian rights, or littoral, foreshore, access to the waters of False Creek or waters, and of the claims made by them in respect thereof; and every such notice shall state, as far as practicable, the particulars of the lands or interests so required, and that the Corporation is willing to treat for the purchase, acquisition, or extinguishment thereof, and as to the compensation to be made to all persons, corporate bodies, or parties for the loss or damage that may be sustained by them by reason of the expropriation of such lands or interests.

3. All notices required to be served by the Corporation upon any person, body corporate, or party interested in or entitled to sell any such lands, or agree for the acquisition or extinguishment of all riparian, littoral rights or interests appertaining to any such lands, shall be served in the same manner as a writ of summons in an action in the Supreme Court: Provided that service of any such notice may be made otherwise than by personal service, when and in such manner as a Judge of the Supreme Court of British Columbia may upon ex parte application order. Notices.

4. If for thirty days after the service of such notice any person, body corporate, or party shall fail to state the particulars of his or its claim in respect of any such land, or to treat with the Corporation in respect thereof, or if such person and the Corporation shall not agree as to the amount of the compensation to be paid for such lands or the interest in such lands, riparian, littoral, or other rights appertaining to any such lands or belonging to such person, body corporate, or party, the amount of such compensation shall be settled in the manner hereinafter provided. Compensation.

5. If the owners of the lands or interests refuse to accept the amount offered for such land, or riparian, littoral, or foreshore rights, interests, or rights of access, or to agree on the amount, or to give particulars as hereinbefore provided, the amount (if any) to be paid by the Corporation for such lands or for such riparian, Arbitration.

littoral, or foreshore rights or interests so expropriated shall be determined by arbitration pursuant to the provisions of the "Arbitration Act."

Value at date of notice.

6. In arriving at the value of any lands, rights, or interests expropriated or to be expropriated, the arbitrators shall take the value of the lands, rights, or interests at the date of the service of the notice as hereinbefore provided.

Vesting.

7. Upon payment or legal tender of the amounts so awarded or agreed upon to the person, body corporate, or party entitled to receive it, or upon payment into the Supreme Court of British Columbia of the amount of such compensation under the award or agreement, the lands, rights, or interests so expropriated shall vest in the Corporation, and there shall vest in the Corporation power to forthwith take possession of the lands or interests the subject of the award or agreement; and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to put down such resistance and to put the Corporation in possession: Provided said lands above mentioned shall be held for park, industrial, or business purposes and for the purposes set out in section 9 hereof only, and may be leased by the Corporation for a term not to exceed forty years to any person or corporation to enable them to carry on industrial, manufacturing, or business enterprises, or to carry out any of the purposes set out in section 9 hereof, but shall not be granted in fee.

By-law to be first submitted.

8. The preceding sections of this Act, other than section 2 hereof, shall not come into force and effect until a by-law has been submitted to and has, not later than the fifteenth day of January, 1913, received the assent of the electors of the Corporation entitled to vote on money by-laws under and in accordance with the provisions of section 103 of the "Vancouver Incorporation Act, 1900," which section shall apply in the same manner and to the same extent as if the same had been set forth in this Act, authorizing the raising by way of debentures of the necessary money for the purchase, taking, or extinguishment of the said lands, rights, littoral, riparian interests, rights of access to the waters of False Creek, or foreshore rights in, on, or contiguous to the foreshore and waters of False Creek, as provided in section 2, on the credit of the Corporation, payable by instalments spread over a number of years, and for levying rates for payment of such debts on the rateable property of the Corporation, and for pledging or hypothecating any rents or revenue in section 9 mentioned for the payment of the debts in addition to or in lieu of the general credit of the city.

9. The Corporation is hereby authorized and empowered to alter, reclaim, fill in, or improve the whole or any part of the said bed or foreshore of False Creek lying east of Westminster Avenue which is not included in the lands which the City of Vancouver have, by agreement dated the sixteenth day of May, A.D. 1910, agreed to convey to the Vancouver, Victoria and Eastern Railway and Navigation Company, and to construct streets, or to erect docks, wharves, retaining-walls, warehouses, harbours, or such other works as the said Corporation may deem necessary therein or thereon; and for all the purposes of this Act, and for carrying out the objects thereof, the said Corporation is hereby authorized from time to time, by by-law or by-laws passed in accordance with the said section 103 of the "Vancouver Incorporation Act, 1900," to provide for the raising and to raise the necessary moneys on the credit of the City of Vancouver to pay for same, payable in instalments spread over a number of years, and for levying rates for payment of such debts on the rateable property of the city, and for pledging or hypothecating any rents or revenue from the premises reclaimed, or from the harbour or docks or other works, for the payment of the debt in addition to or lieu of the general credit of the city.

Reclamation and improvement of bed and foreshore.

10. The debts or obligations incurred under the provisions of any by-law passed in pursuance of the powers herein contained shall be made payable within fifty years at furthest from the date on which the debentures are issued.

Fifty-year debentures.

11. Every such by-law and the debentures issued hereunder shall be absolutely valid and binding upon the Corporation according to the terms thereof, and shall not be quashed or set aside on any ground whatever unless upon application to some Court of competent jurisdiction made within one month after the passing of the third reading thereof.

Validity of by-law and debentures.

12. Sections 107, 108, 109, and 110 of the "Vancouver Incorporation Act, 1900," shall apply in the same manner and to the same extent as if the same had been set forth clause by clause in this Act.

Vancouver charter applicable to certain extent.

13. Notwithstanding anything contained in section 105 of the "Vancouver Incorporation Act, 1900," any debts incurred by the City of Vancouver under powers contained in this Act shall not be included in the aggregate debt of the city referred to in the said section, and shall not be calculated in arriving at the amount of indebtedness of the city, so that the Corporation can incur an indebtedness amounting to twenty per cent. of the assessed value of the real estate of the said city, exclusive of the indebtedness incurred under the provisions of this Act.

Aggregate debt not increased.

14. The by-law referred to in section 8 shall be assented to by the electors as in section 8 provided, and the expropriation proceed-

Time limit.

ings commenced by the service of notice, as provided in sections 2 and 3, on or before the fifteenth day of February, 1913, and continued with reasonable expedition until completed.

Repeal.

15. Chapter 60 of the Statutes of 1903-04, chapter 56 of the Statutes of 1906, chapter 16 of the Statutes of 1908, chapter 51 of the Statutes of 1909, and chapter 64 of the Statutes of 1910 are hereby repealed.

CHAPTER 57.

An Act authorizing the Grant of certain Lands in the City of Vancouver for Park Purposes.

[1st March, 1911.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the "Vancouver Public Parks Act, 1911."

Lands may be granted.

2. It shall be lawful for the Lieutenant-Governor in Council to grant, upon such conditions as he shall think fit, to the Corporation of the City of Vancouver and its successors for ever, all and singular those pieces and parcels of land, being Blocks A and B, subdivisions of Lot 540, Group 1, New Westminster District, situate in the City of Vancouver, for the recreation and enjoyment of the public as public parks.

Victoria Special Elections	1st March, 1911.
British Columbia Accident and Employers' Liability Insurance Company	1st March, 1911.
Columbia Valley Irrigated Fruit Lands Amalgamation	1st March, 1911.
Crow's Nest and Northern Railway Company (Amendment)	1st March, 1911.
Greenwood-Phoenix Tramway Company	1st March, 1911.
Grouse Mountain Scenic Incline Railway Company	1st March, 1911.
Inter-British Trust and Land Company	1st March, 1911.
Mid-Provincial and Nechaco Railway Company	1st March, 1911.
Naas and Skeena Rivers Railway Company	1st March, 1911.
Northern Vancouver Island Railway Company	1st March, 1911.

CHAPTER 71.

An Act to amend the "Oak Bay Act, 1910."

[1st March, 1911.]

WHEREAS a petition has been presented by the Corporation of Preamble.
the District of Oak Bay, praying that the "Oak Bay Act, 1910," be amended so as to confer upon the Council of the said Corporation certain powers in addition to those conferred by the "Municipal Clauses Act" and the "Oak Bay Act, 1910":

And whereas it is expedient to grant the prayer of the said petition:

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. The "Oak Bay Act, 1910," is hereby amended by inserting the following section:—

"27. Notwithstanding anything to the contrary contained in the 'Esquimalt Waterworks Act, 1885,' and the 'Esquimalt Waterworks Extension Act, 1892,' the Esquimalt Waterworks Company shall have power to supply and the Council shall have power to take, purchase, or otherwise acquire water from the Esquimalt Waterworks Company, on such terms as may be arranged by agreement between the said Council and the Esquimalt Waterworks Company: Provided that every such agreement shall be embodied in a by-law, which by-law shall, before the final passage thereof, be submitted to the electors of the municipality who are entitled to vote upon a by-law to contract a debt, and shall be assented to by a majority in number of the electors who shall vote upon such by-law: Provided further that the powers hereby conferred upon the Council and the Esquimalt Waterworks Company shall be subject to the conditions set out in the Schedule of this Act."

2. The "Oak Bay Act, 1910," is hereby amended by inserting the following section:—

"28. In addition to the corporate powers vested in the Council under the provisions of the 'Municipal Clauses Act' and the 'Oak Bay Act, 1910,' there is hereby conferred upon the said Council the following powers:—

"(a.) To sell water to the Municipality of Saanich:

To sell water.

"(b.) To lay and maintain all water-mains and pipe-lines in, upon, through, and under the highways and roads in the Districts of Victoria, Lake, and Saanich, or any of them, and through such parts of the City of Victoria as may be consented to by the Municipal Council of the said city,

To lay water-mains.

and in, upon, through, and over the lands and premises of any person or persons or bodies corporate whatever:

To pass by-laws.

“(c.) To make, alter, and repeal by-laws for any of the purposes or in relation to matters coming within clauses (a) and (b) of this section: Provided, however, that the assent of the electors of the Corporation shall in manner provided by section 75 of the ‘Municipal Clauses Act’ be and it is hereby declared to be necessary to the validity of any by-law to be passed in relation to any of the matters or subjects mentioned in clauses (a) and (b) of this section.”

3. The “Oak Bay Act, 1910,” is hereby amended by inserting the following section:—

Laying water-mains under highways of Victoria, Lake, and Saanich Districts.

“29. Upon passing any by-law pursuant to clause (c) of section 28 hereof, for any of the purposes mentioned in clause (b) of section 28, and for better effecting the purposes mentioned in such by-law, and for the purposes of bringing water to the municipality, the Council, its servants, workmen, and agents, are hereby empowered to enter into and upon and over, and lay down pipes and water-mains through, in, upon, and under the lands and premises of any person or persons, or bodies corporate whatever, and in, upon, and through or under the highways and roads in the Districts of Victoria, Lake, and Saanich, and in the portions of the City of Victoria consented to as aforesaid, or any of them, and the same to cut and dig up if necessary, and to take up, remove, alter, and repair the said pipes or water-mains, doing as little damage as possible in the execution of the power hereby granted to them, and paying reasonable and adequate compensation to the proprietors for any damage, to be ascertained, in case of dispute, by arbitration pursuant to the ‘Arbitration Act’; and all such pipes and water-mains shall be vested in and be the property of the Corporation:

Water-mains in Saanich District.

“(a.) Provided that all water-pipes and water-mains laid through the Municipality of Saanich shall, as far as practicable, be laid under the streets of the Municipality of Saanich, and all such streets shall be put in the same condition by the Corporation as such streets were before laying such water-pipes or water-mains; and in the event of not being put in such condition, the Municipality of Saanich shall have the right to put such streets in the same condition as they were prior to the laying of such water mains or pipes, and the cost thereof shall be paid forthwith thereafter by the Corporation of the Municipality of Saanich:

“(b.) The Corporation shall, at the request of the Municipality of Saanich, supply to the Municipality of Saanich water in bulk from any main laid by the Corporation within the corporate limits of the Municipality of Saanich, at such

point or points on said mains as the Municipality of Saanich may from time to time require: Provided always that the needs of the inhabitants of the Municipality of the District of Oak Bay in regard to water-supply shall not be interfered with:

- “(c.) The Corporation of Saanich is hereby empowered to make connections with such water-mains as the Corporation shall see fit to lay within the Municipality of Saanich after the expiration of thirty days from the date of notification to the Corporation of the intention of the Municipality of Saanich to make such connections:
- “(d.) The Corporation of the District of Saanich shall pay to the Corporation the price per thousand gallons for all water delivered in bulk, not to exceed two and one-half cents per thousand gallons in excess of the price that the Corporation pay to the Esquimalt Waterworks Company, its successors or assigns, for all waters supplied the Corporation at the point where the same will enter the main of the Corporation in the Municipality of Saanich:
- “(e.) Any main laid by the Corporation in the Municipality of Saanich shall not be less than twelve inches in diameter:
- “(f.) The Corporation shall not interfere with any sewers, water-mains, connections, or other works of whatever kind or nature in the Municipality of Saanich, including the works of the Municipality of the City of Victoria, in laying its said mains:
- “(g.) No road is to be kept closed to traffic for a longer period than sixty days.”

4. The “Oak Bay Act, 1910,” is hereby amended by inserting the following section:—

“30. Notwithstanding anything in the ‘Municipal Clauses Act’ or the ‘Oak Bay Act, 1910,’ contained, the Council of the Corporation, for the purpose of purchasing sewer, water, or gas mains, or electric-light conduits, or for the purpose of laying, constructing, and operating and maintaining sewers, or water-mains, or works for supplying, for any or all purposes, water, electric light, or gas to the inhabitants of the municipality, or for all or any of such purposes, may borrow money upon the security of sewer rentals or rates or charges, and water or gas or electric-light rentals, rates, or charges, or either, or any, or all, enforceable under the provisions of the ‘Municipal Clauses Act’ or the ‘Oak Bay Act, 1910,’ or either or both of them, or any by-law or by-laws heretofore or hereafter passed under the powers contained in the ‘Municipal Clauses Act’ or the ‘Oak Bay Act, 1910,’ or either or both of them; and may, as additional security, pledge for the payment of the moneys borrowed the credit of the municipality at large, for the payment of, or other-

To borrow money
for water-mains.

wise guarantee payment of, the annual interest and the sinking fund required for the extinguishment of the debt created out of annual revenue. Any liability under such pledging or guarantee shall be ascertained and paid in each year out of revenue. Every by-law passed in pursuance of the power in this section contained shall comply with the following formalities:—

“(a.) It shall recite—

“(1.) The amount of the debt; the objects for which it is intended to be created:

“(2.) The estimated amount of the said rentals or other rates or charges chargeable for the year in which the same is passed:

“(3.) The amount of money already charged (if any) upon the said rentals or other rates or charges:

“(4.) The debt is created on the security of the said sewer rentals or other rates or charges:

“(b.) If the credit of the municipality is pledged or a guarantee is given, also—

“(5.) The estimated deficiency (if any) in the said rentals or other rates or charges required to make up the amount of the annual interest and sinking fund upon the proposed debt:

“(c.) And such by-law shall—

“(6.) Name a day upon which it shall take effect:

“(7.) The whole of the debt and of the obligations to be issued therefor shall be made payable on or before fifty years from the date on which such by-law takes effect:

“(8.) The specific sum necessary for payment of interest during the currency of the debentures; also a certain specific sum to be set aside annually, and the mode in which such sum is set aside, for the payment of the debt, such sum to be such as will be sufficient with estimated interest not exceeding five per cent. on the investments thereof to discharge the debt when payable:

“(d.) No such by-law shall require the petition mentioned in section 69 of the ‘Municipal Clauses Act,’ but sections 68 and 70 to 75, inclusive, of the ‘Municipal Clauses Act’ shall apply to all by-laws passed under the provisions of this section; but section 81 of the ‘Municipal Clauses Act’ shall not apply to any such by-laws.”

Subsec. (9) of s. 5 amended.

5. Subsection (9) of section 5 of the “Oak Bay Act, 1910,” is amended by striking out the word “forty” wherever it occurs in subsection (9), and inserting in its place the word “sixty.”

6. The “Oak Bay Act, 1910,” is hereby amended by inserting the following section:—

"12A. And whereas doubts have arisen as to the meaning of certain words in subsection (a) of section 12 hereto, it is hereby declared that notice of the intention mentioned in the second and third lines of said subsection (a) refers to and was always intended to refer only to works or improvements under the initiative method mentioned in section 12 (1) hereof, and not to works or improvements undertaken or commenced by the Council under any other method whatsoever."

Notices of local improvement.

7. The "Oak Bay Act, 1910," is hereby amended by inserting the following section:—

"31. Notwithstanding anything contained in the Waterworks Loan By-law, 1909, passed by the Council of the Corporation, and notwithstanding anything contained in the 'Municipal Clauses Act,' it shall be lawful for the Council of the Corporation to set aside and pay annually during the currency of the debentures created by the Waterworks Loan By-law, 1909, the sum of fifteen hundred dollars for the payment of the interest on the said debentures, and the sum of six hundred and thirty dollars and sixty cents for the purpose of creating a sinking fund for the payment-off of the debt created by the said by-law at maturity, out of any frontage water rates heretofore or hereafter imposed or charged by or under any by-law heretofore or hereafter passed by the Council under the provisions of subsection (1) of section 2 of the 'Oak Bay Act, 1910,' instead of setting aside such sum out of the charges enforceable under the provisions of the Waterworks Charges By-law, 1909: Provided, however, that nothing in this section shall affect the validity of the herein-before-mentioned Waterworks Loan By-law, 1909, or the debentures created thereunder, or prevent in any way the holders of the said debentures from enforcing all their rights and privileges for the payment of the principal or interest moneys secured by the said debentures under the provisions of the said 'Municipal Clauses Act,' or the said Waterworks Loan By-law, 1909."

Water Loan By-law, 1909, payment of interest and sinking fund.

8. The "Oak Bay Act, 1910," is hereby amended by inserting the following section:—

"32. Notwithstanding anything contained in the Waterworks Loan By-law, 1910, passed by the Council of the Corporation, or the 'Oak Bay Act, 1910,' and notwithstanding anything contained in the 'Municipal Clauses Act,' it shall be lawful for the Council of the Corporation to pay and raise annually during the currency of the debentures created under the said by-law the sum of three thousand dollars for the payment of the interest on the said debentures, and the sum of one thousand two hundred and sixty-one dollars and twenty cents for the purpose of creating a sinking fund for the payment-off of the debt created by the said by-law at maturity, out of any frontage water rates heretofore or hereafter imposed or

Water Loan By-law, 1910, payment of interest and sinking fund.

charged by or under any by-law heretofore or hereafter passed under the provisions of subsection (1) of section 2 of the 'Oak Bay Act, 1910.' In the event of the Council of the Corporation paying and raising such sinking fund and interest out of said water rates, it shall not be required to levy in each year during which it pays such interest and sinking fund out of such frontage water rates the rate of two and five-tenths mills on the dollar on all the rateable land and improvements in the municipality imposed by such Waterworks Loan By-law, 1910: Provided, however, that nothing in this section shall affect the validity of the hereinbefore mentioned Waterworks Loan By-law, 1910, or the debentures created thereunder, or prevent in any way the holders of the said debentures from enforcing all their rights and privileges for the payment of the principal and interest moneys secured by the said debentures under the provisions of the said 'Municipal Clauses Act' or the said Waterworks Loan By-law, 1910."

9. The "Oak Bay Act, 1910," is hereby amended by adding the following section:—

Borrowing money
for fire department.

"33. Notwithstanding anything contained in the 'Municipal Clauses Act,' the Municipal Council may, under the formalities required by law, pass by-laws for contracting debts, by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable land or improvements, either or both, or the rateable real property of the municipality, for the purpose of purchasing fire-engines and equipment and fire-fighting apparatus of any kind, acquiring property for a fire-hall site or sites, for erecting a fire hall or halls, and equipping and maintaining a fire department:

"(a.) No such by-law shall require the petition mentioned in section 69 of the 'Municipal Clauses Act,' but sections 68 and 70 to 75, inclusive, of the 'Municipal Clauses Act' shall apply to by-laws passed under the provisions of this section."

Short title.

10. This Act may be cited as the "Oak Bay Act, 1910, Amendment Act, 1911."

SCHEDULE.

The powers conferred by this Act are so conferred under and subject to the following conditions, which shall be binding on all parties concerned:—

In this Schedule the word "City" shall mean the Corporation of the City of Victoria, and the word "Corporation" shall mean the Corporation of the District of Oak Bay.

1. It shall hereafter at all times be recognized that an obligation exists upon the part of the City to furnish the Corporation with a supply at all times of water of the same class and quality as that supplied to the inhabitants of the City of Victoria, and that a corresponding obligation exists on the part of the Corporation to receive, accept, and pay for such supply of water.

2. The route of the said pipe-line, and the size of the pipe to be laid therein, shall, in so far as possible, without undue circuitry, be adapted to the requirements of the City, in connection with its development of Sooke Lake, Sooke River, or their tributaries, as a source of water-supply, and all such matters, and also all tenders and any work in connection with the construction of the said pipe-line, shall be decided upon by the Water Commissioners of the City and the Corporation, and in the event of differences between them the same shall be settled by the Chief Water Commissioner of the Province of British Columbia:

Provided, however, that if the City shall insist upon the pipe being of a larger size than twelve inches in diameter, the City shall pay to the Corporation at the time of construction the difference in the cost of material and installation between a pipe of twelve inches in diameter and the additional size required by the City.

3. The Corporation shall not, in the first instance, enter into any contract with the Esquimalt Waterworks Company for a supply of water for a longer period than five years from the date of the passing of this Act, but provision may be made in said contract for an extension for another period of three years if the City shall not be ready, at the said period of five years, to supply water to the Corporation from Sooke Lake, Sooke River, or their tributaries.

4. If at the expiration of the said contract, or any extension thereof as aforesaid, the City shall have acquired a supply of water from Sooke Lake, Sooke River, or their tributaries, and completed the initial work of construction connected therewith, and shall be in a position and shall give the Corporation three months' notice of its readiness to furnish an adequate supply of water in bulk from such source to the Corporation at the boundary of the municipality, at a pressure sufficient for the domestic needs of the Corporation, excepting Gonzales Hill (and in case a dispute shall arise between the City and the Corporation as to whether the water is being furnished at the said pressure, then such dispute shall be referred to and settled by the said Chief Water Commissioner), then the Corporation shall forthwith cease to take water from the Esquimalt Waterworks Company, and the right of the Esquimalt Waterworks Company to supply such water shall likewise cease and determine, and the Corporation shall thereafter take water in bulk from the said City, at the said boundary-line, at a price to be then agreed upon, or, failing such an agreement, at a price to be settled by the said Chief Water Commissioner, and such price shall be readjusted in the same manner between the said municipalities every five years thereafter.

5. Immediately upon the City notifying its readiness to supply the Corporation with water, the Corporation shall furnish an accurate detailed statement of the total initial cost of the said pipe-line and the construction thereof as settled in clause 2 hereof, and the City shall thereupon forthwith pay such sum to the Corporation; and thereupon all the said pipe-line shall become the property of the City. The said pipe-line so to be constructed shall in the first instance, with the exception provided for in clause 2 hereof, be constructed at the expense of the Corporation, and the ownership thereof shall not at any time be parted with except as above, and the Corporation shall take no action that will prevent the Corporation selling the said pipe-line to the said City at the time herein specified.

6. Neither municipality shall make any attempt before the Legislature, or otherwise, to derogate from the provisions of this Schedule, except with the consent of the other municipality.

7. Nothing herein contained shall be deemed to derogate in any manner from the arrangement now existing between the Corporation and the City with reference to the supply of water from Elk Lake until such time as the City supplies water from Sooke Lake, Sooke River, or their tributaries.

Pacific Coast Coal Mines Debentures	<i>1st March, 1911.</i>
Peace and Naas River Railway Company	<i>1st March, 1911.</i>
Portland Canal Short Line Railway Company (Amendment)	<i>1st March, 1911.</i>
Vancouver Incorporation (Amendment) (Con- solidated)	<i>1st March, 1911.</i>
Vancouver Plate Glass Insurance Company	<i>1st March, 1911.</i>
Victoria Stock Exchange	<i>1st March, 1911.</i>
West Kootenay Power and Light Company (Amend- ment)	<i>1st March, 1911.</i>

CHAPTER 42.

Sections of Acts relating to the City of New Westminster.

[As amended to 1910.]

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. From and after the coming into effect of this Act, the limits of the said city shall be extended, and the said city shall thenceforth consist of and comprise the tract of land described in section 2 of this Act, and the inhabitants of the said tract of land as hereafter described in the second section hereof, and their successors, shall continue to be and shall be, and are hereby declared to be, the body politic and corporate in fact and in law of the "Corporation of the City of New Westminster," and the said Corporation by the same name shall continue to have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto in all Courts and in all actions, causes, and suits at law or in equity whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure, and shall be in law capable of receiving by donation, acquiring, holding, and disposing of, and conveying any property, real or movable, for the uses of the said Corporation, and in the management of the affairs and for the purposes of said Corporation, of becoming parties to any contracts or agreements, of giving or accepting any notes, bills of exchange, bonds, obligations, or other instruments, or securities for payment of, or securing the payment of, and sums of money borrowed or loaned, or executing or guaranteeing the execution of any duty, right, or thing whatsoever, and for the payment, or securing the payment, of any money borrowed, or of paying loans made, or debts owing to the said Corporation, or of taking up bonds that may become due, or of making a loan or loans, and for any other legitimate and sufficient purpose whatsoever in connection with the affairs of said Corporation; and for any of the purposes aforesaid the said Corporation may grant and issue bonds for the sum or sums of money therein to be specified under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in currency of the Dominion of Canada, or in sterling money of Great Britain, or the currency of the country where the same may respectively be made payable, as to the said Corporation may be thought advantageous or expedient: Provided always that all contracts or agreements, other than a bond, bill, note, or debenture, involving, or which may involve, the expenditure by the Corporation of a larger sum than

*Incorporation of the
City of New West-
minster.*

one hundred dollars shall be entered into under the said seal, or the same shall not be binding upon the said Corporation: Provided always that the said Corporation shall not make or give any bond, bill, note, debenture, or other undertaking for the payment of a less sum than one hundred dollars (\$100), and any bond, bill, note, debenture, or other undertaking issued in contravention of this section shall be void: Provided always that nothing herein contained shall be construed to authorize the said Corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a bank. 1888, c. 42; 1889, c. 33, s. 1; 1910, c. 38, s. 2.

Boundary.

2. Commencing at a point on the right bank of the North Arm of the Fraser River, and in the centre of the street which is the south-west boundary of Suburban Block Nine (9) as shown on the map of the suburban lots of New Westminster City, British Columbia; thence north-westerly along the centre of the street which forms the westerly boundary of Suburban Blocks Nine (9) and Twelve (12) to the centre of the street which forms the northerly boundary of Suburban Lot Twelve (12); thence in a north-easterly direction along the centre of the street which forms the northerly boundary of Suburban Blocks Twelve (12), Fourteen (14), and Four (4) and its production to its intersection with the Brunette River; thence in a southerly direction following the right bank of the Brunette River to a point where the prolongation in a northerly direction of the easterly boundary of Suburban Lot 7, Block 8, would intersect the said right bank of the Brunette River; thence in a southerly direction along the said prolongation and the easterly boundary of said Lot 7, Block 8, to the right bank of the Fraser River; thence southerly along a prolongation of said easterly boundary of said Lot 7, Block 8, to a point being three hundred and fifty feet below high-water mark; thence following a line parallel to the shore-line of said right bank of Fraser River, and being three hundred and fifty feet below high-water mark, to a point three hundred and fifty feet below high-water mark, and on the production southerly of the centre of the street forming the westerly boundary of Suburban Blocks Nine (9) and Twelve (12); thence in a north-westerly direction to place of beginning. Also all that other piece or tract of land which may be described as follows: Beginning at a point at which the west line of Lot 4, Group 2, New Westminster District, produced northwardly, intersects the southern boundary of the City of New Westminster, and thence southwardly along the said west line of Lot 4 produced and the said west line of Lot 4 thirty-three chains, more or less, to a point on the said west line of Lot 4 distant three chains from the southern shore of the Fraser River; thence eastwardly and at right angles to the said

west line of Lot 4 thirty chains, more or less, to a point on the east line of Lot 2, Group 2; thence northwardly along the said east line of Lot 2 to the southern shore of the Fraser River; thence westwardly along the said shore-line of the Fraser River to a post on the west line of said Lot 2; thence northwardly along the west line of the said Lot 2 and the west line of the said Lot 2 produced thirty-three chains, more or less, to intersection of the southern boundary of the City of New Westminster; thence westwardly along the southern boundary of the City of New Westminster to the place of beginning. Also that portion of the easterly end of Lulu Island known and described as a Government reserve; also an island in the North Arm of the Fraser River, lying between Lulu Island and the City of New Westminster, known and described as Poplar Island. 1889, c. 33, s. 2; 1910, c. 38, ss. 2, 3.

Powers of Council to Pass By-laws.

142. The Council may from time to time pass, alter, and repeal by-laws—

Council may make by-laws.

(20a.) For charging a reasonable admission fee or fees to any park during any time when there may be held therein the exhibition or show of any agricultural or other society having for its object, or one of its objects, the the promotion of agricultural, horticultural, stock-raising, or any kindred industry. 1895, c. 65, s. 21; 1910, c. 38, s. 2.

(120a.) For acquiring, by purchase or lease, from any incorporated water company having for its object, or one of its objects, the supplying of water to the said city, such portion of its system of works as may be necessary and sufficient for the purpose of supplying the said city, or the right of constructing such works, under the authority of and subject to the provisions of the Act of incorporation of such company; and upon such acquisition the Corporation shall have, in respect of the works or right of construction so acquired, all the rights, powers, and privileges theretofore had or enjoyed by the said company under their said Act, as fully and effectually as if the same were expressly granted by this Act, and the same shall thereafter continue, notwithstanding any amendment which may thereafter be made to the said Act of the said company; and any such company shall have full power to make such sale or lease. 1889, c. 33, s. 30; 1910, c. 38, s. 2.

Power to purchase waterworks.

198. Any person who shall violate any of the provisions of this Act, or any of the provisions of any by-law passed in pursuance of

Penalty for violation of Act or by-laws where no punishment provided.

this Act, for the violation of which no punishment has been provided therein, shall be liable to punishment in a summary way by fine not exceeding one hundred dollars, besides the costs of conviction, or by imprisonment (with or without hard labour, in the discretion of the convicting Magistrate) not exceeding six months. 1888, c. 42; 1889, c. 33, s. 43; 1910, c. 38, s. 2.

All streets, squares, etc., to vest in the city.

204. Every public street, road, square, lane, bridge, or other highway in the city shall be vested in the city (subject to any right in the soil which the individuals who laid out such road, street, bridge, or highway reserve), and such public street, road, square, lane, or highway shall not be interfered with in any way or manner whatsoever, by excavation or otherwise, by any street railway, gas or waterworks company, or any companies, or by any company or companies that may hereafter be incorporated or any other person or persons whosoever, except having first made application and received the permission of the City Engineer in writing, or such other permission as the Council may by resolution require. 1888, c. 42; 1889, c. 33; 1910, c. 38, s. 2.

Excavations not to be made without consent in writing of City Engineer.

Contracts, notes, etc., how to be executed.

207. All contracts, notes, bills, and other securities duly authorized to be executed on behalf of the Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation and signed by the Mayor and City Clerk, otherwise the same shall not be valid, and all cheques shall be signed by the Treasurer and Mayor, and countersigned by the City Clerk. 1888, c. 42; 1910, c. 38, s. 2.

Power to dispose of lands without city limits.

208. All lands conveyed to the Corporation outside the limits of the city, as defined by this Act, are hereby vested in the said Corporation, their successors or assigns, for ever, with power to the Council to dispose of the same whenever desired or deemed necessary. 1888, c. 42; 1910, c. 38, s. 2.

Power to borrow for ordinary expenditure pending collection of taxes.

209A. The Council shall be at liberty and are hereby empowered to borrow from any chartered bank or other monetary institution, either by promissory note or overdraft, any sum of money required for ordinary expenditure in and for the maintenance of the city, pending the collection of taxes or the realization of debentures issued or to be issued. 1888, c. 42; 1910, c. 38, s. 2.

213. (c.) Notwithstanding this Act, all existing by-laws of the City of New Westminster shall continue in force until altered or repealed by the Council. 1888, c. 42; 1910, c. 38, s. 2.

Wards.

6. Section 29 of the "Municipal Act," being chapter 170 of the Revised Statutes of 1911, shall not apply to the City of New Westminster, but the Council of the city may by by-law divide the city into wards, and may from time to time alter such divisions so as to

allow the different portions to be equally represented in the Council as nearly as may be on the basis of the assessed value on the last revised assessment roll. 1910, c. 38.

14. Notwithstanding anything contained in the "New Westminster Act, 1888," and amending Acts, or in the "Municipal Clauses Act" and amending Acts, the Agreement entered into between the Corporation of the City of New Westminster and the Corporation of the District of Richmond, and dated the thirty-first day of December, 1909, to provide for the supply of water to the Municipality of Richmond, a copy of which is set out in the Schedule to this Act, is hereby declared to be absolutely valid and binding on the said Corporation of the City of New Westminster, and on the said Corporation of the District of Richmond, anything to the contrary in the "New Westminster Act, 1888," and amending Acts, or the "Municipal Clauses Act" and amending Acts, contained notwithstanding, and whether the same would otherwise be ultra vires of the said Corporations or not; and the Councils of both municipalities are hereby empowered to carry out and give full force and effect to all and every the provisions, agreements, stipulations, and conditions in said Agreement contained, which are, or ought, according to the terms of said Agreement, on their respective parts to be performed and observed. 1910, c. 38.

Water Agreement between New Westminster and Richmond validated.

17. Nothing contained in this Act shall prejudice or affect any rights acquired by, or payments due or accruing due to or by, or liabilities incurred by the Corporation prior to this Act coming into effect, and all existing by-laws of the City of New Westminster shall continue in force until altered or repealed by the Council. 1910, c. 38.

Prior rights, etc., not affected by this Act.

Existing by-laws continued.

18. Subject to the provisions of this Act, and of the unrepealed portions of the "New Westminster Act, 1888," and amending Acts, the provisions of the "Municipal Act" and amending Acts shall apply to the City of New Westminster. 1910, c. 38.

"Municipal Clauses Act" and unrepealed provisions of "New Westminster Act, 1888," to apply to city.

SCHEDULE.

THIS AGREEMENT, made in duplicate the thirty-first day of December, in the year of our Lord one thousand nine hundred and nine,

Between,

THE CORPORATION OF THE CITY OF NEW WESTMINSTER (hereinafter called "the said City") of the one part;

and

THE CORPORATION OF THE TOWNSHIP OF RICHMOND (hereinafter called "the said Township"), of the other part:

Witnesseth that, in consideration of the sum of one hundred and twenty-five thousand dollars (\$125,000) to be paid by the said Township to the said City as hereinafter mentioned, and in consideration of the covenants by the said Township hereinafter contained, the said City agrees with the said Township to connect in a workmanlike and substantial manner the reservoir of the capacity of two million five hundred thousand (2,500,000) gallons at Queen's Park, in the said City of New Westminster, by means of a steel water-main twenty-four (24) inches in diameter, with the said City's present waterworks system at its present intake at Coquitlam Lake, and to lay in a workmanlike and substantial manner a steel water-main thirteen (13) inches in diameter from or near the said reservoir to a point on Lulu Island near the westerly end of the Lulu Island Bridge, where the City will tap such main with a six (6) inch distribution-pipe for its own use and a steel water-main twelve (12) inches in diameter from such point to the easterly boundary-line of the said Township at its intersection of the Lulu Island Road through Lot Seven hundred and fifty-eight (758), Group One (1), New Westminster District, sufficient to convey at all times from said intake and the said reservoir to said boundary-line, for the use of the said Township and the inhabitants thereof, water to the full capacity of said twelve (12) inch steel water-main, and to cause to be so conveyed continuously so much water up to said capacity as the said Township and the inhabitants thereof shall from time to time and at all times in the future need for domestic, power, and manufacturing purposes.

The said Township agrees with the said City to pay the said City the said sum of one hundred and twenty-five thousand dollars (\$125,000) as follows:—

Approximate estimates of the work done and materials supplied under this Agreement are to be made at the end of each calendar month by the engineer in charge, and payments thereon shall be made by the said Township to the City on or before the tenth (10th) day of the next ensuing month, less twenty-five (25) per cent. of the amount of each and every such monthly estimate, which may be retained by the said Township until the completion of the said work, which shall be deemed to be as soon as the said steel water-main is so connected as aforesaid and the said City has laid and brought the said steel water-main to the said easterly boundary of the said Township and is prepared to commence the supply of water to the said Township and the inhabitants thereof up to the full capacity of the said twelve (12) inch water-main.

The said City further agrees with the said Township, at the expense of the City, to keep and maintain for twenty (20) years after the completion of the said works the said twelve (12) and thirteen (13) inch water-mains in such condition that their capacity will not be impaired and the flow of water through them will not be interrupted or rendered impure.

It being, however, agreed and understood that the City is not to be held liable for damages should the capacity of the said steel water-mains be impaired or the flow of water therein be interrupted or rendered impure by acts of God or any cause beyond the control or power of the City to prevent

by exercise of care on its part, and in the event at any time of said steel water-mains being impaired or the flow of water therein being interrupted or rendered impure in such a manner and under such circumstances as not to render the City liable, then, notwithstanding such freedom from liability, the City shall take all reasonable means to reduce and limit any damage occurring or likely to occur, and shall, when and so often as the cause of such damage has abated, immediately repair and make good such steel water-main so as to bring the same again into proper condition and the flow of water be no longer interrupted or the water rendered impure.

And it is further agreed by and between the parties hereto that from and after the expiration of the said twenty (20) years the said City shall continue to maintain, keep up, repair, and, if necessary, renew such steel water-mains, and the said Township shall, upon demand, pay to the said City the whole of the cost of maintenance, upkeep, repair, and renewal of the said twelve (12) inch steel water-main, and seventy-five (75) per cent. of the cost of maintenance, upkeep, repair, and renewal of the said thirteen (13) inch steel water-main.

And shall also, from and after said period of twenty (20) years, contribute one-sixth of the cost of maintenance, upkeep, repair, and renewal of the said reservoir and said twenty-four (24) inch steel water-main leading from the intake to the said reservoir.

Neither party shall, for any purpose whatever, assess, rate, or charge such of the property of the other party as relates to the waterworks system herein provided for and as may be situated within its corporate limits.

The said City covenants with the said Township that the said City has in itself good right, full power, and absolute authority to enter into this Agreement and to perform the covenants on the said City's behalf herein contained.

In witness whereof the corporate seals of the said parties hereto have been hereunto affixed by the proper officers in that behalf.

Signed, sealed, and delivered in
the presence of—

.....

CORPORATION OF THE CITY OF NEW
WESTMINSTER. B.C.

(Sgd.) W. H. KEABY, *Mayor*.

(Sgd.) W. A. DUNCAN, *City Clerk*.

[SEAL.]

CORPORATION OF THE TOWNSHIP OF
RICHMOND.

(Sgd.) W. BRIDGE, *Reeve*.

(Sgd.) S. SHEPHERD, *C. M. C.*

[SEAL.]

I certify the above to be a true copy.

W. A. DUNCAN,

City Clerk.

50. The by-laws of the Corporation of the City of New Westminster, passed on the thirteenth day of August, 1888, and known as the "Ferry Service By-law, 1888," and "Workshops Bonus By-law, 1888," are hereby declared to be and shall be absolutely valid and binding upon the said Corporation, according to the terms thereof (but without prejudice to the powers hereinafter conferred as regards the disposition of the proceeds of the debentures therein provided for), and shall not be quashed or set aside on any ground whatever; and it shall be lawful for the Council of the city to sell and dispose of the debentures therein mentioned, or any part thereof,

Declares "Ferry Service By-law, 1888," and "Workshop Bonus By-law, 1888," valid.

Power to sell debentures issued thereunder.

upon such terms as they may by resolution at any time, from time to time, approve, and thereafter to apply any sum not exceeding one hundred and fifty thousand dollars of the proceeds thereof in aid of the construction of the line of railway of the New Westminster Southern Railway Company, and any workshops or works or ferry or bridge connected therewith, by any person or corporation willing to construct the same, or any railway or works similar thereto, in such manner and upon such terms as the said Council may, subject to this Act, by resolution at any time, or from time to time, approve; but the said Council shall, before paying over any such moneys, take, in the name of the Corporation aforesaid, good and sufficient security, to the satisfaction of the then manager of the Bank of British Columbia at New Westminster, for the construction and operation of the said railway and workshops, or ferry, in conformity with the conditions and stipulations more fully set out in a certain agreement dated seventeenth July, 1888, and made between the New Westminster Southern Railway Company, therein described of the one part, and C. M. Sheafe & Co., therein described of the other part, a true notarial copy of which agreement has been deposited with the manager of the Bank of British Columbia at New Westminster for reference. 1889, c. 33.

Application of proceeds, etc.

May enter into agreements for carrying out objects of said by-laws.

50A. It shall be lawful for said Council from time to time to make and enter into any agreement or agreements, deed or deeds, whatsoever with any such person or corporation for the purpose of carrying out the said agreement according to the true intent and meaning thereof as may be necessary or expedient. 1889, c. 33.

Power to issue new debentures.

50B. Notwithstanding anything contained in the said by-laws, or either of them, it shall be lawful for the said Council, by resolution at any time, or from time to time, to provide for the issue of new debentures for the whole or any portion of the said sum of one hundred and fifty thousand dollars, at such rate or rates of interest respectively, not greater than six per cent., as they may think fit, and to make the same and the interest thereon payable at such place or places respectively as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of the said debentures, or any of them, for the purchase or redemption of them, or any of them, in such manner and upon such terms and conditions as may be agreed upon with any such purchaser or purchasers. 1889, c. 33.

Rates in by-laws may be reduced.

50c. It shall be lawful for the said Council from time to time, by by-law, to reduce the rates provided for by the said by-laws to such rate as may be sufficient, according to the last revised assessment roll for the time being, to provide for the moneys necessary to be raised in the then current year for sinking fund and interest. 1889, c. 33.

50b. Notwithstanding anything herein contained, the said "Ferry Service By-law, 1888," and "Workshops Bonus By-law, 1888," may be repealed by the said Council, in like manner as if said Act had not been passed. 1889, c. 33.

Said by-laws may be repealed.

51. Said Council shall, notwithstanding anything in the principal or this Act contained, have full power—

Council may enter into a bond with Her Majesty for purpose of acquiring land on Lulu Island.

To enter into an agreement or bond with Her Majesty Queen Victoria, represented by the Honourable the Chief Commissioner of Lands and Works of the Province of British Columbia, in such terms as may be fixed by resolution of said Council, approved of by said Chief Commissioner, for the purpose of acquiring lands on Lulu Island:

To acquire, obtain, and deal with, sell, mortgage, or lease real property belonging to the Corporation on Lulu Island, when acquired, with full power and authority to execute all deeds and instruments to effectuate same; and all moneys received in respect thereof shall be used to carry out the conditions of any grant of said lands, and in carrying out the agreement under which said grant was obtained: Provided that the assent of the ratepayers of the municipality of the said Corporation shall first be had and obtained, in like manner as is requisite for the issue of debentures for the raising of any loan. 1889, c. 33.

Power to deal with said land when acquired

52. Notwithstanding anything in this Act contained, the Mayor and Council may from time to time, as they shall by resolution authorize or direct, expend municipal funds in that portion of Lulu Island lying outside the city limits for the purpose of reclaiming, draining, dyking, or otherwise improving that portion of said island which lies within the city limits, subject to the assent of the ratepayers in like manner as is provided in the last preceding section. 1889, c. 33.

Power to expend city funds in reclaiming lands on Lulu Island.

CHAPTER 54.

An Act to revise and consolidate the "Vancouver Incorporation Act."

[31st August, 1900.]

[As amended to 1913.]

Preamble.

WHEREAS a petition has been presented by the Corporation of the City of Vancouver, praying that the Incorporation Act of the said city, chapter 22, 49 Victoria, and amendments thereto, should be revised, consolidated, and amended:

And whereas it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, declares and enacts as follows:—

Incorporation of the City of Vancouver.

1. From and after the passing of this Act, the inhabitants of the tract of land as hereinafter described in the second section hereof, and their successors, shall be, and are hereby declared to be, a body politic and corporate in fact and in law by the name of "The City of Vancouver," and the said Corporation by the same name shall have perpetual succession, and shall have power to sue and to be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes, and suits at law or in equity whatsoever, and shall have a common seal, with power to alter and modify the same at their will and pleasure, and shall be in law capable of receiving by donation, acquiring, holding, and disposing of and conveying any property, real or movable, for the uses of the said Corporation, and in the management of the affairs and for the purposes of said Corporation, of becoming parties to any contracts or agreements, of giving or accepting any notes, bills of exchange, bonds, obligations, or other instruments or securities for payment of, or securing the payment of, any sum of moneys borrowed or loaned, or executing or guaranteeing the execution of any duty, right, or thing whatsoever, and for the payment, or securing the payment, of any money borrowed, or of paying loans made, or debts owing to the said City of Vancouver, or of taking up bonds that may become due, or of making a loan or loans, and for any other legitimate and sufficient purpose whatsoever in connection with the affairs of said Corporation; and for any of the purposes aforesaid the said Corporation may grant or issue bonds for the sum or sums of money therein to be specified under the provisions hereinafter set forth, payable at such time and times after the granting and issuing thereof, and in such place or places in this Province, in the

Dominion of Canada, in the United States of America, in any part of Great Britain or elsewhere, and either in currency of the Dominion of Canada, or of sterling money of Great Britain, or the currency of the country where the same may respectively be made payable, as to the said Corporation may be thought advantageous or expedient: Provided always that the said Corporation shall not make or give any bond, bill, note, debenture, or other undertaking for the payment of a less sum than one hundred dollars (\$100), and any bond, bill, note, debenture, or other undertaking issued in contravention of this section shall be void: Provided always that nothing herein contained shall be construed to authorize the said Corporation to issue notes or bills of exchange payable to bearer, or to issue notes to circulate as those of a bank.

2. The said City of Vancouver shall be bounded as follows: Com- City boundaries.
mencing at low-water mark on the south shore of Burrard Inlet at a point where the easterly boundary of Lot 184, in New Westminster District, produced northerly, would intersect said low-water mark; then southerly along said produced boundary and along said easterly boundary of said lot, and also along the easterly boundary of Lot 264A, in said New Westminster District, and along the production thereof southerly to a point where it would be intersected by the southerly boundary of said Lot 264A produced easterly; thence westerly along said produced line and along said southerly boundary of said Lot 264A to the south-westerly corner of said lot; thence westerly along the middle of the street between Blocks Numbers 97 and 98 on the one side, and Blocks Numbers 95 and 96 on the other, as shown in a registered plan of subdivision of lot numbered 301, in said District of New Westminster; thence still westerly along the middle of the streets between Blocks Numbers 54, 55, and 56 on one side, and Blocks Numbers 57, 58, and 59 on the other side, according to a registered plan of a subdivision of the southerly half of Lot Number 302, in said New Westminster District; thence continuing westerly along the centre line of said latter street, being Sixteenth Avenue and hereinafter so called, to the centre line of South Cambie Street; thence continuing westerly along the centre line of Sixteenth Avenue to the easterly boundary of District Lot 472; thence continuing westerly along centre line of Sixteenth Avenue to westerly boundary of District Lot 472 (centre line Oak Street); thence southerly along westerly boundary of District Lot 472 to point of intersection of said boundary with the prolongation easterly of the centre line of Sixteenth Avenue immediately to the west; thence westerly along centre line of Sixteenth Avenue and the continuation thereof; and along the south boundary of Block 472, District Lot 526, and the continuation thereof to the centre line of Granville Street; thence southerly along centre line of Granville

Street to point of intersection of the same with the prolongation easterly of centre line of Sixteenth Avenue immediately to the west; thence westerly along centre line of Sixteenth Avenue to intersection of the same with the easterly boundary of District Lot 139; thence northerly along said easterly boundary to intersection of the same with the prolongation easterly of the centre line of Sixteenth Avenue immediately to the west; thence westerly along the centre line of Sixteenth Avenue and the continuation thereof to the point of intersection of the same with the centre line of Alma Road, formerly Campbell Street, the westerly boundary of the Government town-plot on English Bay; thence northerly along the middle line of Campbell Street to the low-water mark of said English Bay; thence along the line of said low-water mark to False Creek; thence across the mouth of False Creek and along the line of low-water mark in front of Lot 185, in New Westminster District, and the Government Military Reserve, to the first Narrows, and thence easterly in a straight line to the point of commencement. 1906, c. 68, s. 1; 1913, c. 96, s. 2.

Amends s. 2,
c. 54, 1900.

1909, c. 63, s. 1. Section 2 of the "Vancouver Incorporation Act, 1900" (hereinafter called "the principal Act"), is hereby amended by inserting the following words in the tenth line thereof, after the word "the":

Extension of
city limits.
District Lot 301.

"North-easterly corner of Lot 301 in said New Westminster District; thence southerly along the easterly boundary of said Lot 301 to the south-easterly corner of said lot; thence westerly along the southerly boundary of said Lot 301 to the south-westerly corner of said lot; thence northerly along the westerly boundary of said Lot 301 to the middle of the street between Blocks Numbers 54, 55, and 56 on the one side, and Blocks Numbers 57, 58, and 59 on the other side, according to a registered plan of a subdivision of the southerly half of Lot No. 302, in said New Westminster District; thence westerly along the middle of said latter street to the westerly boundary of said Lot 302." And by striking out all words in the said section from "south-westerly" in the tenth line thereof down to and including the word "district" in the eighteenth line of said section:

Provided that this section shall not come in force or take effect until the Council, by an affirmative vote of at least two-thirds of the members thereof, shall pass a resolution affirming the expediency of extending the limits of the said city as above described, and unless the consent of the owners of more than one-half in value of the land to be included within the boundaries of the proposed extension affected thereby, and who are entitled to petition for incorporation as a municipality, under chapter 143 of the "Revised Statutes of British Columbia, 1897," has first been obtained at a poll to be held for that purpose, which poll shall be held by such person and at such time and place or places and in such manner as the Lieutenant-

Governor in Council may appoint, and unless a by-law has been submitted to the electors of the City of Vancouver entitled to vote for Mayor, in the same manner as to giving notice thereof and taking a vote as is provided for the submission of money by-laws in section 103 of this Act; and upon the receipt of the returns of the votes cast, the City Clerk shall add up the votes, and if it appears from such returns that the votes cast for such by-law be three-fifths of the vote polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost. In the event of such by-law being carried the Council shall finally pass the by-law. 1913, c. 96, s. 3.

2A. The City Council may, at any time, by an affirmative vote of at least two-thirds of the members thereof, pass a resolution extending the limits of the city: Provided that such extension or extensions shall be subject to and governed by the same terms, conditions, and provisos as are provided with respect to the extensions provided for in the preceding section of this amending Act, and that the limits of the city shall not thereby be extended more than five (5) miles beyond the boundaries existing at the time of the passage of such resolution by such City Council. 1909, c. 63, s. 2; 1910, c. 79, s. 21.

Extension of city limits, general.

1911, c. 75, s. 21. Notwithstanding anything contained in the "Vancouver Incorporation Act, 1900, Amendment Act, 1909," or any other Act or law in force in the Province of British Columbia, the boundaries and limits of the City of Vancouver are declared to be and are extended in the manner, and so as to include the additional lands and territory set out and described in section 1 of the "Vancouver Incorporation Act, 1900, Amendment Act, 1909," and so as to include the lands and territory described and known as Hastings Townsite, Group 1, Vancouver District, Province of British Columbia, according to the plan thereof marked "Z" and known as "Official Map of Hastings," and filed in the Lands Department, Victoria, and being more particularly known and described as—

Validation of extension of city limits.

Commencing at a point at low-water mark on the south shore of Burrard Inlet, being the north-east corner of Lot 184, Group 1, New Westminster District, and the westerly limit of Nanaimo Street; thence southerly along the westerly limit of Nanaimo Street to its intersection with the northerly limit of Lot 195, Group 1, New Westminster District; thence south sixty-seven degrees nineteen minutes east 8.40 chains, more or less, to the north-easterly corner of Lot 195; thence south twenty-two degrees thirty-five minutes west a distance of 22.50 chains, more or less, to the westerly limit of Nanaimo Street; thence southerly along the westerly limit of Nanaimo Street to the south-west corner of the Town of Hastings; thence easterly along

the northerly boundaries of Lots 393, 52, 51, and 36, Group 1, New Westminster District, to the south-east corner of the Town of Hastings, situated on the easterly limit of Boundary Road; thence northerly along the easterly limit of Boundary Road to its intersection with low-water mark on the south shore of Burrard Inlet; thence west astronomic to a point due north of the westerly limit of Nainaimo Street; thence south to the point of commencement.

And all of the said additional lands and territory form, and are declared to form, part of the City of Vancouver, and are, and are declared to be, subject to all Statutes, laws, by-laws, rules, and regulations relating to, in force in, or of, or passed, or made by the City of Vancouver.

Creation of new wards, etc.

1911, c. 75, s. 22. Notwithstanding anything contained in the principal Act, the Council of the city may, by by-law, declare said Hastings Townsite and that part of District Lot 301, Vancouver District, which the limits and boundaries of the city are extended to include as in the last preceding section mentioned to be wards of the city in addition to the wards of the city already existing, and said Council may, by such or any by-law, fix the number of Aldermen to represent each of such wards. Nothing herein contained shall limit the power of the Council under section 3 of the principal Act.

1911, c. 75, ss. 23-28. [*Repealed, 1912, c. 46, s. 15.*]

Wards.

Wards.

3. The Council of the city may, by by-law, divide the same into two or more wards, and may from time to time alter such subdivisions and increase or reduce the number of wards so as to allow the different wards to be equally represented in the Council on the basis of the assessed values shown on the last revised assessment roll, and on the basis of population: Provided that the Council may, by by-law, at any time in its discretion declare that the city shall be one ward, but before such by-law shall be finally passed the Council shall submit the same to the vote of the electors entitled to vote for Mayor, in the same manner as to giving notice thereof and taking the vote as provided for the submission of money by-laws in section 103 of this Act; and upon the receipt of the returns of the votes cast, the City Clerk shall add up the votes, and if it appears from such returns that the votes cast for such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost. In the event of such by-law being carried, the Council shall finally pass such by-law. In the event of such by-law being rejected, the Council shall not submit a similar by-law to the electors for one year after such rejection.

Constitution of Council.

4. There shall be elected annually a fit and proper person who shall be called Mayor of the City of Vancouver; and in the event of the whole city being declared by by-law to be one ward, ten fit and proper persons who shall be and be called Aldermen of the city; and in the event of the city being by by-law divided into two or more wards, one or more fit and proper persons to represent each such ward; and the Council shall from time to time, by by-law, fix the number of Aldermen to represent each such ward:

Constitution of
Council.

- (1.) Any person being in holy orders, or the minister of any religious denomination whatever, or any Judge of any Court of Record of this Province, Sheriff's or officers of the said Courts, or officers of Her Majesty's army or navy on full pay, or Provincial, county, or city licence commissioners, or inspectors, or the holders of hotel, saloon, or shop licences within the city, or salaried officers of the city, or any person having any unsettled disputed account against or due by the city, or any person accountable for the revenues of the city, or any officer or person presiding at the election of Mayor or Aldermen while so employed, or any person who shall have been convicted of treason or felony in any Court of law within Her Majesty's dominion or elsewhere, or any person having by himself or through his partner, or as a director in or agent for any incorporated company, any contract whatever or interest in any contract with or for the city, either directly or indirectly, shall not be capable of being elected or serving as Mayor or Alderman; but no person shall be held to be disqualified from being elected Mayor or Alderman of the city by reason of his being a shareholder in any incorporated company having dealings or contracts with the City Council of the city, but no shareholder shall vote in the Council on any question affecting such company:

Disqualification of
Mayor and Aldermen.

Shareholder in company contracting with city not disqualified.

- (2.) No person shall be qualified to be elected Mayor or Alderman unless such person resides within the city, or within two miles thereof, and is a natural-born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has been for one month next preceding the day of nomination the registered owner in fee-simple in the Land Registry Office of real property within the city limits of the assessed value over and above all charges, liens, and encumbrances affecting the same, in the case of Mayor of one thousand dollars (\$1,000), and in the case of an Alderman to the value of five hundred dollars (\$500), all of which shall, in the case of an Alderman, be in the ward for which he is nominated, or the registered owner for three months

Qualification of
Mayor and Aldermen.

Where joint owners
or tenants in com-
mon.

preceding the day of nomination of leasehold property for a term of three years to the assessed value of three thousand dollars, the whole of which must be situate in the ward for which such Alderman is a candidate, and which lease must extend over the whole term of his office, and being otherwise qualified as a voter. In the case where two or more persons are registered owners as joint tenants or tenants in common of real property, the value of the share or interest in the case of Mayor must be over and above all encumbrances one thousand dollars, and in the case of Alderman five hundred dollars.

Electors.

Electors.

5. The persons qualified to vote at elections for Mayor and Aldermen shall be as follows:—

Persons qualified to
vote. Every male, married woman, and femme sole of the full age of twenty-one years shall be entitled, if not disqualified under this Act, to vote at any municipal election for said city, if such person—

Owner.

(1.) Is entered on the voters' list as the owner of real property held in his or her own right within the limits of the city:

Tenant.

(2.) Is entered on the voters' list as tenant of any real property within the city of the assessed value of three hundred dollars, and who was such tenant at the time of the final revision of said voters' list used at the election and on the day of the election: Provided that a change of tenancy between the final revision of said voters' list and the day of the election shall not deprive the tenant of the right to vote, if such change is without any intermission of time, and the several tenancies are such as would entitle the tenant to vote had such tenant been in possession under either of them as such tenant between the times aforesaid: Provided that the words "tenant of real property" shall not include lodgers, boarders, or temporary occupants of rooms in any building: Provided also that notwithstanding anything herein contained, no married man shall be entitled to a vote as tenant by reason of his being a tenant or occupier of real property owned by his wife:

Boarders, lodgers,
and temporary occu-
pants may not vote.

Married man who is
lessee of his wife
may not vote.

Who entitled to
vote.

(3.) No person shall be entitled to vote at any election unless he or she is one of the persons named or intended to be named in the proper list of voters, and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his or her vote is the person intended to be designated in the list of voters:

Only one vote in
each ward.

(4.) Nothing in this clause shall be held to entitle any person to be entered twice on the voters' list in any one ward, or to have more than one vote for Aldermen or for any money by-law in any such ward:

- (5.) No person shall be entitled to vote more than once for Mayor, Licensing Board, Park Commissioners, and school trustees. 1904, c. 62, s. 1; 1911, c. 75, s. 1.

Person not entitled to more than one vote for Park Commissioners and school trustees.

6. Where real property is leased, rented, or occupied jointly by two or more persons, and is assessed at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be entitled to be entered on the voters' list and vote in respect of such qualification, otherwise no one shall be entitled to vote in respect of such property.

Where joint ownership, etc., each person may qualify.

7. No Chinaman, Hindu, Japanese, or Indian shall be entitled to vote at any municipal election for the election of Mayor or Aldermen.

No Chinese, Hindu, Japanese, or Indian to vote.

Elections.

8. A meeting of the electors of the city shall take place for the nomination of candidates for the office of Mayor of the city on the first Thursday of the month of January, annually, at eleven o'clock in the forenoon, in the City Hall, or such other place as the Council shall by by-law appoint, and for nomination for the candidates for office of Aldermen for each ward, on the same day and at the same place, at the hour of twelve noon. The Clerk of the said city shall be Returning Officer of the city to preside at such meeting, and in case of his absence or inability to attend, the Council shall appoint a person as Returning Officer in his place; and if the Clerk or person so appointed does not attend at the hour for holding such meeting, the electors present shall appoint a Returning Officer from among themselves:

Electors.
Nomination for election.

Clerk to preside.

- (1.) No nomination for Mayor shall be received after the hour of twelve o'clock noon of the said day; and no nomination for Alderman shall be received after one o'clock on the afternoon of the said day:

Close of nomination for Mayor and Aldermen.

- (2.) The City Clerk shall give notice of such meeting to the electors for the nomination of candidates for Mayor or Aldermen by advertisement for at least two weeks in a newspaper published or circulating in the city, and at least six posters posted in each ward in said city.

Notice of nomination meeting.

9. The nomination of each candidate shall be in writing, and be signed by the proposer and seconder, who shall be, in case of Aldermen, duly qualified electors of and resident in the ward of the city for which the candidate is nominated, and, in case of Mayor, duly qualified electors of and resident in any ward of the city; and such nomination shall contain a statement, signed by the person nominated, that he consents to such nomination. If no more than the required number for any particular office be nominated, the Returning Officer shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate or candidates duly

Nomination and proceedings incident thereto.

elected for such office or offices. Should more than the requisite number be nominated for any particular office, the Returning Officer shall adjourn the proceedings for filling such offices until the second Thursday in January, when the poll or polls shall be opened in each ward, or polling subdivisions, at such place or places respectively as may be fixed by the by-law of the Council for the election, at nine o'clock in the forenoon of the same day, and shall continue open until seven o'clock in the afternoon of the same day and no longer.

Candidate to deliver certificate to Returning Officer at time of nomination.

10. A candidate for Mayor or Alderman shall, at the time of his nomination, deliver to the Returning Officer a certificate signed by the District Registrar of Titles that he is the registered owner or registered leaseholder of land in the City of Vancouver, and such certificate shall set out the description of the land and the registered encumbrances and charges against the same, and shall also deliver to the Returning Officer a certificate signed by the Treasurer of the city setting out the assessed value on the last revised assessment roll of the city of the land described in the Registrar's certificate aforesaid.

Returning Officer.

11. The City Clerk or such other person as the Council may appoint shall be the Returning Officer.

By-law for an election.

12. The Council shall from time to time, by by-law, appoint the place or places for taking the vote of the electors in each ward of the city, and appoint the Deputy Returning Officers to take the said votes in such wards; and in the event of no such Deputy Returning Officers being appointed, the Clerk of the city shall appoint Deputy Returning Officers for holding the election in conformity with this Act:

The absence of the Deputy Returning Officer provided for.

- (1.) In case at the time appointed for holding an election the person appointed to be Deputy Returning Officer has died, or does not attend to hold the election within one hour after the time appointed, or in case no Deputy Returning Officer has been appointed, the electors present at the place for holding the election may choose for themselves a Deputy Returning Officer, who shall forthwith proceed to hold the election and perform all the other duties of a Deputy Returning Officer, and in all cases the Returning Officer shall administer the necessary oath of office to the Deputy Returning Officers, which shall be in the following form:—

I, A. B., do solemnly promise and declare that I will truly, faithfully, and impartially, to the best of my knowledge and ability, execute the office of Deputy Returning Officer, to which I have been appointed in this City of Vancouver, and that I have not received and will not receive any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation.

(2.) The Returning Officer and Deputy Returning Officers, however appointed as aforesaid, shall, during the election, act as conservators of the peace for the city, and they or any Justice of the Peace having jurisdiction in the city may cause to be arrested, and may summarily try and punish, by fine or imprisonment, or bind over to keep the peace, or for trial, any riotous or disorderly person who assaults, beats, molests, or threatens any voter coming to, remaining at, or going from the election, and, when thereto required, all constables and persons at the election shall assist the Returning Officer, Deputy Returning Officers, or Justice of the Peace, under penalty of fifty dollars in case of refusal, or in default of payment to be imprisoned for a period not exceeding thirty days:

Returning Officer and Deputy Returning Officers to be conservators of the peace.
Their powers.

(3.) Every Returning Officer, Deputy Returning Officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election; and any person liable to serve as constable, and required to be sworn in as special constable by the Returning Officer, Deputy Returning Officer, or Justice of the Peace, shall, if he refuses to be sworn or to serve, be liable to a penalty of twenty dollars, to be recovered to the use of any one who will sue therefor.

Special constables may be sworn in.

13. The proceedings at elections shall be as follows:—

(1.) The Returning Officer shall, before the poll is opened, deliver to the Deputy Returning Officer for each ward or polling subdivision a ballot-box, and a copy answering to the form in the Schedule of this Act, certified to be a correct copy of the voters' list of the ward, and also a list of the candidates for the office of Mayor, and of the candidates for the office of Aldermen for such ward, together with a sufficient number of ballots for Alderman and for Mayor, or either, as required:

Proceedings at elections.
Returning Officer to provide ballot-boxes, list of candidates, and voters' lists for Deputy Returning Officers.

(2.) The Returning Officer shall deliver with such voters' list his solemn declaration, under oath, that the said voters' list is a true copy and correct list, containing the names of all persons entitled to vote at said election in respect to being duly qualified by appearing on the last revised voters' list of the said city or ward:

Voters' list to be verified on oath.

(3.) Every Deputy Returning Officer shall nominate and appoint, in writing, one or more Clerks to act for him in the election, to whom he shall administer the oath of office:

Clerks for Deputy Returning Officers.

(4.) Every Deputy Returning Officer, except in cases provided for in subsection (1) of section 12 of this Act, shall commence every election at nine o'clock in the forenoon, and close the same at the hour of seven o'clock in the afternoon of the same day:

Hours of polling.

Administration of oaths.

Election not commenced, or interrupted by riot, etc., to be resumed.

Challenging voter.

Form of oath.

Construction of ballot-boxes to be used at elections.

Deputy Returning Officers to show box empty and lock it.

Votes to be by ballot.

- (5.) Every Returning or Deputy Returning Officer shall administer all oaths and affirmations necessary at an election :
- (6.) In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced, and before the lawful closing thereof, the Returning Officer shall hold or resume the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary, until the poll has been opened without interruption and with free access to voters for ten hours in all, in order that all the electors so inclined may have an opportunity to vote :
- (7.) At an election of Mayor and Aldermen a voter before marking his ballot-paper, if so required by any candidate or his agent, or any elector, shall state his or her occupation and residence to the Deputy Returning Officer, or, if so required, shall take the following oath (or affirmation) :—

I, A. B., do swear [or affirm] that I am of the full age of twenty-one years; that I am the person whose name is on the voters' lists now shown to me; that I have not voted before at this election in this ward or for a candidate for Mayor (if the voter proposes to vote for a candidate for the mayoralty); that I have not received anything, directly or indirectly, nor have I accepted any promise made to me, directly or indirectly, either to induce me to vote at this election or to indemnify me for loss of time, travelling expenses, hire of vehicle, or any other service connected with this election; that I have not been guilty of any act of bribery or undue influence as defined by this Act, or any act of corruption, disqualifying me from voting at this election; and that I am properly qualified to vote at this election. So help me God.
- (8.) The Council of the city shall provide a ballot-box for each polling subdivision, which shall be provided with a lock and key and have an opening through the lid of sufficient size to admit a single folded ballot and no more, and the said boxes shall be kept by the City Clerk for the uses of the said city only, and shall be given out by him to the several Deputy Returning Officers for use in electoral purposes, and it shall be the duty of the Deputy Returning Officer for each polling subdivision forthwith after any election to return the same to the City Clerk or other Returning Officer :
- (9.) The Deputy Returning Officer for each polling subdivision shall, upon the opening of the poll, open the ballot-box in presence of the candidates (if present) and their agents, or other persons present, and shall turn it upside down so as to show it is empty, and then lock the box, and the key thereof shall be kept by him, and the said box shall not be reopened until the close of the poll, for the purpose of counting the ballots therein :
- (10.) Every elector shall vote by ballot :

- (11.) It shall be the duty of the Returning Officer, forthwith after the nominations are held for the offices of Aldermen in the various wards in the city, to cause to be printed ballots for each separate ward in which there shall be an election for Aldermen, which ballots shall have printed upon them in large letters at the top the number of the ward and thereafter the names of the candidates for the office of Alderman for that ward, and their occupation and calling, which names shall be in alphabetical order, and deliver sufficient of the same to each Deputy Returning Officer for each polling subdivision:
- (12.) In case an election for Mayor is required, the Clerk, or other Returning Officer, shall cause ballots to be printed which shall have printed upon them at the top "City of Vancouver," and thereafter printed in large letters the names of the candidates for the office of Mayor, which names shall be in alphabetical order and deliver sufficient of the same to the Deputy Returning Officers for each polling subdivision:
- (13.) The ballot-papers for Mayor shall be printed on pink or red paper, and those for Aldermen on white paper, and there shall be a margin on the right-hand side of each ballot, after the name, sufficient for the mark of the voter, and the names shall be printed closely to the left-hand margin:
- (14.) The Deputy Returning Officer shall provide a private room or stall, with desk and pencil, where a voter shall retire to mark his ballot:
- (15.) The Deputy Returning Officer, or Clerk to be appointed by him, shall put his initials on the back of each ballot when one is asked for by a voter, and shall mark on the voters' list a mark to indicate that a ballot has been given out. No voter shall be given more than one ballot-paper for Mayor and one for Aldermen:
- (16.) The voter shall at once, upon receiving his ballot paper or papers, retire to the room or stall provided for the purpose, and mark his ballot or ballots by putting a cross on the right-hand side of the name of the candidate for whom he wishes to vote, and shall at once fold the same so as to conceal the name or names of the candidate or candidates for whom he has marked his ballot, and return the same to the Deputy Returning Officer, or Clerk appointed by him, in the presence of the scrutineer or scrutineers, agent or agents of the candidates, who shall, without opening the said paper or papers, or permitting the same to be opened or examined, deposit the same in the ballot-box, and the Deputy Returning Officer's Clerk shall thereupon write down the name of the person whose ballot-paper has been

Form of ballot-paper
for Aldermen.

Form of ballot-paper
for Mayor.

Colour of paper.

Voting-stalls.

Deputy Returning
Officer to put his
initials on ballot-
paper.

Voting, marking
ballot-paper.

deposited in the said ballot-box in a separate list provided for that purpose, and the said Clerk shall sign and subscribe his name to each list and return the same to the Deputy Returning Officer at the close of the poll:

Deliver a ballot-paper to voter.

- (17.) The Deputy Returning Officer, when any ballot paper or papers are required, shall pronounce, in an audible voice, the name of the person requiring a ballot or ballots, and if the name of such person is found on the voters' list of the said ward used at such election, the said Returning Officer, if the said voter is not required to take the oath or to state his or her residence or occupation, or if required to take the oath or make such statement, duly takes or states the same as required, shall deliver a ballot or ballots for the office of Mayor or Alderman, or either, as the case may be:

Proceedings in case ballot-paper cannot be used.

- (18.) A voter who has inadvertently dealt with the ballot paper or papers given to him, in such manner that either or both cannot be conveniently used, may, on delivering the same to the Deputy Returning Officer, obtain another or others in the place of that or those so delivered up:

Counting the votes.

- (19.) Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the Clerk and the candidates or their agents, and if the candidates and their agents are absent, then in the presence of at least three electors, open the ballot-box and proceed to count the number of votes given for each candidate. In so doing he shall reject all ballot-papers which are not similar to those supplied by the Returning Officer; all those by which the votes have been given for more candidates than are to be elected; and, finally, all those upon which there is any writing or mark by which the voter could be identified:

Rejected ballots.

Disposal of ballot-papers after count.

- (20.) The other ballot-papers being counted and a list kept of the number of votes given for each candidate, and of the number of rejected ballot-papers, all the accepted ballot-papers shall be put into a separate envelope or parcel, and those rejected shall also be put into a different envelope or parcel, and all these parcels being endorsed so as to indicate their contents, shall be put back into the ballot-box:

Deputy Returning Officer to note objections taken to ballot-papers at the counting of same,

- (21.) The Deputy Returning Officer shall take a note of any objections made by any candidate, his agent, or any elector present, to any ballot-paper found in the ballot-box, and shall decide any question arising out of the objection, and the decision of such Deputy Returning Officer shall be final, subject only to reversal on petition questioning the election or return. Each objection to a ballot-paper shall be numbered, and a corresponding number placed on the back of the ballot-paper and initialled by the Deputy Returning Officer:

and number both.

- (22.) The Deputy Returning Officer shall make out a statement of the accepted ballot-papers; of the number of votes given to each candidate; of the rejected ballot-papers; of the spoiled and returned ballot-papers, and of those unused and returned by him; and he shall make and keep by him a copy of such statements, and enclose in the ballot-box the original statements, together with the voters' list and a certified statement, at the foot of each list, of the total number of electors who voted on each such list, and such other lists and documents as may have been used at such election. The ballot-box shall be locked and sealed, and shall be delivered to the Returning Officer:
- (23.) Upon receiving the ballot-boxes from the several Deputy Returning Officers, the Returning Officer shall add together the number of votes cast for the various candidates for Mayor, and shall forthwith declare the candidate having the highest number of votes to be Mayor of said city, and shall also forthwith declare the candidates from each ward, who shall appear by such returns to have the highest number of votes, elected for such wards respectively; and in case two or more candidates for the office of Mayor have received an equal number of votes, then the Returning Officer shall vote for one thereof, and forthwith declare such one elected:
- (24.) In case two or more candidates for Aldermen have an equal number of votes, the Returning Officer, whether otherwise qualified or not, shall give a vote for one or more of such candidates so as to decide the election:
- (25.) In case no returns be made for one or more wards, in consequence of non-election owing to interruption by riot or other cause, the members of the Council duly elected, being at least a majority of the whole number of the Council when full, shall elect one of the Aldermen to be presiding officer, who shall act as Mayor, and who shall take necessary declarations and possess all the powers of Mayor until a poll for each ward or wards has been held:
- (26.) No person shall be allowed to inspect any rejected ballot-papers in the custody of the Returning Officer, except under the order of a Judge of the Supreme Court of British Columbia, such order to be granted by such Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot-papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot-papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of such ballot-papers may be made, subject to such conditions as to persons, time,
- Statement.
- Returning Officer to add up votes and declare who is elected.
- If a tie vote for Mayor, Returning Officer to have casting-vote.
- If a tie vote for Alderman, Returning Officer to have casting-vote.
- Proceedings in case of a ward not electing.
- When ballot-papers may be inspected.

place, and mode of inspection and production as the Court or Judge making the same may think expedient, and shall be obeyed by the Returning Officer:

Recount may be ordered by a Judge of Supreme Court.

- (27.) Upon an affidavit being filed and petition presented by an elector, any Judge of the Supreme Court of British Columbia shall have power to and shall direct a recount of the ballots for Mayor or Alderman, and shall direct the City Clerk to produce all the ballot-papers before him, and he shall recount the same and decide as to the proper number of ballots cast for each candidate, and declare the result of such count; and his declaration as to such recount shall be final, subject to the election being contested as hereinafter provided. Such recount must be made within ten days after the declaration of the City Clerk or other Returning Officer. A fee of twenty dollars shall be paid by the applicant to the District Registrar of the Supreme Court at Vancouver upon filing the affidavit and petition asking for the recount:

Proceedings in case of incapacity to mark paper.

- (28.) The Deputy Returning Officer, on the application of any voter who is unable to read, or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Act, shall assist such voter by marking his ballot-paper in the manner directed by such voter, in the presence of the agents of the candidates, and of no other person, and by placing such ballot-paper in the ballot-box; and the Deputy Returning Officer shall cause a list to be kept of the names of the voters whose ballot-papers have been so marked in pursuance of this section, with the reason why each ballot-paper was so marked. And whenever the Deputy Returning Officer shall not understand the language spoken by an elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote:

Money penalty for offences.

- (29.) Every Returning Officer, Deputy Returning Officer, or Clerk who is guilty of any wilful malfeasance or any wilful act or omission in contravention of the election clause of this Act shall forfeit to any person aggrieved by such malfeasance, act, or omission a penal sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person:

Who may be present at polling-place.

- (30.) In addition to the Deputy Returning Officer and the Poll Clerk, the candidates or their agents (not exceeding two in number for each candidate for Mayor, and one for each candidate for Alderman), and in the absence of agents, two electors to represent each candidate for Mayor, and one elector to represent each candidate for Alderman, by the

request of such electors or elector, and no other, shall be permitted to remain in the room where the votes are given during the whole of the time the poll remains open :

- (31.) No person shall loiter or remain in the vicinity of the room or place where the votes are taken, or within fifty paces thereof, and in the event of any person so remaining after having been requested by a police constable to move away shall be liable to a penalty not exceeding twenty dollars, or in default of payment imprisonment for a term not exceeding ten days, on conviction before any Justice of the Peace. Loitering near polling-station.
- (32.) Any person producing to the Returning Officer or Deputy Returning Officer at any time a written authority from a candidate to represent him at the election, or any proceedings of the election, shall be deemed an agent of such candidate within the meaning of this Act: Agent of candidates.
- (33.) The agents of each candidate, and in the absence of any agent of any candidate, the electors or elector representing such candidate, if there be such elector or electors, on being admitted to the polling-station, shall take the following oath (or affirmation) :— Oath of agent or representative.

I do solemnly swear [or affirm] that I will keep secret the name or names of the candidate or candidates for which any of the voters may have marked his ballot-paper in my presence at this election. So help me God.

- (34.) The City Clerk shall retain for two months all ballot-papers received by him in pursuance of the said Act and amending Acts, and then, unless otherwise ordered by a Judge of the Supreme Court of British Columbia, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the Mayor and filed amongst the records of the City by the City Clerk: Clerk to retain ballot-papers for two months, and shall then destroy them.
- (35.) Wherever the words " Deputy Returning Officer " occur in this section they shall be deemed to include the Returning Officer. Deputy Returning Officer to include Returning Officer.

14. The members of the Council shall hold their first meeting at twelve o'clock noon of the first Monday after the second Thursday in January on which they are elected. First meeting of Council.

15. The Mayor elect shall make and subscribe the necessary declarations of office and qualifications on or before the day appointed for the first meeting of the Council before the Police Magistrate, City Clerk, or a Justice of the Peace having jurisdiction in said city, and shall afterwards administer the necessary declarations to the other members of the Council; but in case of the absence of the Mayor the declarations of office of the Aldermen may be taken

before the Clerk of the city or Police Magistrate, or before any such Justice of the Peace, and the Mayor may afterwards make his declaration of office and qualification :

No business to be transacted until declarations filed.

(1.) No other business shall be proceeded with at the said meeting until the said declarations shall have been made and filed by the members present :

Form of declaration by Mayor and Aldermen.

(2.) The declaration of office made by said Mayor and Aldermen shall be substantially as follows :—

I, A. B., Mayor [or Alderman elect for Ward], do declare that I am a British subject, possessing the qualifications by law required, and that I am not in any way disqualified from holding the office of Mayor or Alderman for the City of Vancouver, and I have not nor will I have while holding office any interest, directly or indirectly, in any contract or services connected with the said Corporation except as provided in this Act. I have not by myself or any other person knowingly employed any bribery, corruption, or intimidation to gain my election, and I will faithfully perform the duties of my office, and will not allow any private interest to influence my conduct in public matters. So help me God.

Declaration to be filed with City Clerk.

(3.) Such declarations shall be in writing, and shall be filed in the office of the City Clerk and be by him retained.

Election of disqualified person null and void.

16. If any person who is disqualified in or who shall be declared incapable of being elected a member of the Council is nevertheless elected and returned as a member, his election and return shall be null and void; and if any person acts, sits, or votes as Mayor or Alderman, who is disqualified, or who after his election becomes so disqualified, he shall incur a penalty of fifty dollars for each time he shall so act, sit, or vote; and the party so disqualified shall, in the discretion of the Court, be liable to pay the costs of any suit or action brought for the recovery of the same in any of Her Majesty's Courts in the Province having competent jurisdiction.

Penalty for disqualified person voting, etc., as Mayor or Alderman.

Mayor or Aldermen having contracts with city disqualified from continuing to sit.

17. If the Mayor or any of the Aldermen, or any person on his or their behalf, or any person in partnership with him or them, shall enter into or obtain any interest, directly or indirectly, in any contract entered into by or with the Corporation, such Mayor or Alderman having any interest in any contract, or having become disqualified as aforesaid, shall immediately be disqualified from continuing to be Mayor or Alderman, as the case may be, and the contract in question shall be null and void.

Such contracts null and void.

Penalty for Mayor or Alderman disqualified under s. 17 voting.

18. If any Mayor or Alderman who is disqualified for the reason mentioned in the preceding section of this Act shall vote at any meeting of the Council, such Mayor or Alderman shall forfeit to the city a sum of two thousand five hundred dollars; and the said sum may be recovered by action, to be brought in any Court of competent jurisdiction in the name of the Corporation or of any ratepayer, and the city shall pay the costs of suit of any ratepayer recovering such penalty.

Who may sue.

19. In case a member of the Council during his term of office ceases to be the owner of the freehold or leasehold property qualification as provided by subsection (2) of section 4 of this Act, or be convicted of felony or any infamous crime, or be declared a bankrupt, or be charged in execution for debt and remains in close custody or upon gaol limits for one month, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or becomes disqualified from continuing to be Mayor or Alderman from any cause whatsoever, or in case any member of the Council absents himself from the meetings of the Council for one month, or from the meetings of any committee of which he may be a member for four consecutive regular meetings, without having been previously excused from such attendance by a resolution of the Council, entered in its minutes, his seat in the Council shall thereupon become vacant and such member shall be disqualified from sitting at and voting at the Council, and the Council shall forthwith declare the seat vacant and order a new election.

Seats to become vacant by losing property qualification, by crime, insolvency, absence, etc.

20. In the event of a Mayor or Alderman forfeiting his seat at the Council or his right thereto, or becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith resign his seat; and in the event of his omitting to do so within ten days thereafter, proceedings may be taken to unseat such members as provided by section 22 and its subsections, and the said sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification, or vacancy, and the procedure prescribed by the said sections shall be adapted to such cases.

Mayor or Alderman forfeiting seat or becoming disqualified to resign.

21. In any case provided for by the next preceding section of this Act, or in case a person elected to the Council neglects or refuses to accept the office within four weeks after the time he should assume office, or to make the necessary declaration of office, or in case a vacancy occur in the Council caused by death, judicial decision, or otherwise, the head of the Council for the time being, or in case of his absence or his office being vacant, the Clerk, or in the case of the like absence or vacancy in the office of Clerk, the Acting-Mayor or head of the Council or Acting-Clerk, shall forthwith, by warrant under the signature of such head of Council, Clerk, Acting-Mayor, head of the Council, or Acting-Clerk, and under the corporate seal, require the Returning Officer appointed to hold the last election for the city, or any other person duly appointed to that office, or in case of the death or absence of such person, then any Deputy Returning Officer at the last election, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy:

New elections provided for, and mode of conducting same.

- (1.) Every Mayor or Alderman so elected to replace another shall remain in office for the remainder of the time for which his predecessor had been elected, and no longer:

Term of office of person thereupon elected.

Time of new election.

- (2.) The Returning Officers and Deputy Returning Officers shall hold the new election at furthest twenty-five days after receiving the warrant, and the Clerk shall appoint a day and place for the nomination of candidates, and the election shall in respect to notices and other matters be conducted in the same manner as the annual election.

Controverted Elections and Disqualifications.

Jurisdiction in cases of contested elections.

22. If the election of the Mayor or of one or more of the Aldermen, or the qualification of any Mayor or Alderman, or his right to sit and vote be contested, such contestation shall be decided by any Judge of the Supreme Court of British Columbia, sitting in Vancouver, and the decision of said Judge shall be final:

Who may contest election.

- (1.) Every such election or right to retain the seat may be contested by any unsuccessful candidate, or by any five electors qualified to vote at such election:

Petition to be presented.

- (2.) The said contestation shall be brought before the Judge by petition, signed by the petitioner or petitioners, setting forth in clear manner the grounds of such contestation:

Evidence in support of petition may be ordered.

- (3.) If a Judge is of opinion that the grounds set forth in the petition are sufficient in law to avoid the election, or to disqualify the person from sitting and voting in the Council, he shall order proof to be adduced and the parties interested to be heard on the nearest day which he deems expedient, and shall proceed in a summary manner to hear and try the said contestation. The evidence shall be given in the same manner as evidence in any ordinary civil cause, and if the trial of such contestation is not concluded at the close of the sitting at which it began, the Judge may continue the same from day to day until he has pronounced his final judgment upon the merits of the same; and every such judgment pronounced and all proceedings had in any such case shall have the same effect as if the same had been pronounced or had in open Court:

Petition and notice to be served on person whose election is objected to.

- (4.) A true copy of the petition, with a notice stating the day on which the petition will be presented to the Judge, shall be first duly served upon the Mayor or Alderman whose election or seat is contested, at least eight days before the day on which the petition is presented to said Judge, and a return of the service shall be drawn up and signed in due form upon the original of the petition by the person who made the service; but no petition contesting an election shall be received after one month after the election thereby contested (except in cases where the right to sit is contested by reason of the Mayor or Alderman having become disqualified during their terms of office); nor shall any

such petition be received unless security for costs, to be approved by said Judge, shall be given by said petitioner or petitioners:

- (5.) The Judge may on such contestation confirm the election or declare the same to be null and void, or declare another person to have been duly elected, or declare the seat to be vacant, and may in any such cases award costs to or against any party, which costs shall be taxed and allowed in the Supreme Court of the Province, and shall be recoverable by execution issued out of the said Court by order of said Judge:
- Powers of Judge at trial.
- Costs.
- (6.) If any defect or irregularities in the formalities prescribed for the election are set forth in such petition as a ground of contestation, the Judge may admit or reject the objections according as such defect or irregularity may or may not have materially affected the election:
- Immaterial irregularities, etc.
- (7.) In case the election complained of be adjudged invalid or the person disqualified, the Judge shall forthwith by writ cause the person found not to be elected, or found to have become disqualified, to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted to such office; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall, by a writ addressed to the City Clerk, cause a new election to be held and the same formalities shall be observed at such election as are required to be observed at every general election under this Act:
- Proceedings to carry judgment into effect by new election or otherwise.
- (8.) In case the election of all or any of the members of the Council be adjudged invalid, the writ for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, shall be directed to the City Clerk, who shall have all the powers for causing an election to be held which the Council has in order to supply vacancies therein.
- Powers of Clerk on receipt of writ to remove persons illegally elected and for new election.

23. Upon the trial of any petition against the election of a Mayor or Alderman, or against any by-law voted upon by the ratepayers under this Act, there shall be struck off from the number of votes given for any candidate, or for or against such by-law, one vote for each person who shall have been proved to have voted after having been guilty of a corrupt practice at the instigation of the candidate or one of his agents, or any person acting in the name of or in the interest of such candidate, or acting for or against such by-law, as the case may be.

Vote of person guilty of corrupt practices, to be struck off at trial.

On quo warranto affidavit evidence not to be used to prove corrupt practices.

24. Where in an application in the nature of a quo warranto, or upon any such petition, or upon application to quash any by-law, any question is raised as to whether the candidate or any voter or other person has been guilty of any violation of section 28 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by viva voce evidence taken before any Judge of the Supreme Court, or by an examination upon an appointment granted by such Judge as in cases pending in any such Court.

Evidence to be viva voce.

Judge to report person convicted under s. 28.

25. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 28, or who condemns any person to pay any sum within the section, to report the case forthwith to the City Clerk. The City Clerk shall duly enter in a book to be kept for the purpose the names of all persons who shall have been adjudged guilty of any offence as aforesaid, and of which he shall be notified by the Judge as aforesaid.

City Clerk to enter names of persons adjudged guilty of offence.

Enforcing attendance of witnesses.

26. Any witness shall be bound to attend before any Judge upon being served with the order of such Judge, or a subpoena issued by the Court, directing his attendance, and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpoena in an ordinary cause to attend, and he may be punished for contempt, and shall be liable to all the penalties for non-attendance as if he had been served with a subpoena in an ordinary cause to attend.

No person excused from giving evidence tending to incriminate such person.

27. No person shall be excused from answering any question put to him in any action, suit, or other proceeding, or before any Judge, touching or concerning any election or the voting upon any by-law, or the conduct of any person thereat or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act against any such person, if the Judge gives to such witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer to the satisfaction of the Judge.

Corrupt Practices.

Certain persons to be deemed guilty of corrupt practices.

28. The following persons shall be deemed guilty of corrupt practices, and shall be liable to be punished as hereafter provided:—

Giving money to voters, etc.

- (1.) Every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place, or employment to or for any voter, or to or for any person on behalf of any

Procuring office for voters, etc.

voter, or to or for any person in order to induce any elector to vote or refrain from voting at a municipal election or upon any by-law for raising any money or creating a debt upon the city for any purposes whatsoever, or who corruptly does any act as aforesaid on account of such voter having voted or refrained from voting at any such municipal election or upon any such by-law:

- (2.) Every person who directly, by himself or by any other person on his behalf, makes any gift, loan or offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person to serve in any Municipal Council, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election for or against such by-law: Influencing voters.
- (3.) Every person who, by reason of any such gift, loan, offer, promise, or agreement, procures or engages, promises, or endeavours to procure the return of any person in any municipal election, or to procure or prevent the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election for or against such by-law: Corruptly influencing voters.
- (4.) Every person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intention that such money or any part thereof shall be expended in bribery at any municipal election as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law: Advancing, etc., money for bribery, etc.
- (5.) Every voter who, before or during any municipal election, or the voting on any such by-law, directly or indirectly, by himself or any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment for himself or any person for voting or agreeing to vote, or refraining or agreeing to refrain from any voting, at any such election or upon any such by-law: Voter receiving money, etc., for vote, or agreeing for money to vote, etc.
- (6.) Every person who after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting at any such election or upon any such by-law: Receiving money, etc., after the election for voting, etc.
- (7.) Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of any force, violence, or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, Persons using violence or intimidation to be guilty of undue influence.

damage, or loss, or in any manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at a municipal election or at the voting upon any by-law, or on account of such person having voted or refrained from voting thereat, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter, shall be deemed to be guilty of undue influence and be subject to the penalty hereinafter mentioned:

Persons corruptly providing refreshments to be deemed guilty of treating.

- (8.) Every person who corruptly, by himself, or by or with any person, or by any other ways or means on his behalf, at any time either before or during any election or the voting upon any by-law, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment, or provisions to or for any person in order to be elected, or for being elected, or procuring the election of any person, or the passage of any such by-law, or for the purpose of corruptly influencing such person or any other person to give, or refrain from giving, his vote at such election or upon such by-law, shall be deemed guilty of treating:

False personation.

- (9.) Every person who, during the voting at an election or upon any by-law, knowingly personates and falsely assumes to vote in the name of another person whose name appears on the voters' list, whether such person be then living or dead, or if the name of such other person be that of a fictitious person; every person who, having already voted at an election or upon a by-law, presents himself again to vote at the same election or upon the same by-law; and every person who aids, incites, counsels, or facilitates the commission, by any person whomsoever, of any of the foregoing acts in this subsection mentioned.

Voting more than once, etc.

Punishment of person found guilty under s. 28.

29. Any person who is adjudged guilty of any of the offences within the meaning of the last preceding section shall, in addition to any other penalty or punishment to which he may by any law or Statute be made subject, be liable, on summary conviction therefor before any two Justices of the Peace having jurisdiction, or the Police Magistrate of the city, to a penalty not exceeding two hundred and fifty dollars for each offence, exclusive of costs; and in default of payment forthwith it shall be lawful for the Justices of the Peace or Police Magistrate convicting to commit the offender or offenders to the common gaol of the city for a period not exceeding three months, with or without hard labour, for each offence, unless the said penalty and costs be sooner paid, and shall be disqualified from voting at any municipal election or upon any by-law for the

next succeeding two years, or from being a candidate at any municipal election during the said two years.

30. The penalties imposed by the last preceding section shall or may be recoverable with full costs of suit by any ratepayer of the city who may sue for the same by action of debt in any Court having jurisdiction where the offence was committed, and any person against whom judgment was rendered shall be ineligible either as a candidate or municipal voter until the amount he has been ordered or adjudged to pay is fully paid and satisfied.

How penalty may be recovered.

31. Any candidate elected at any municipal election which is contested, being found guilty by the Judge of any corrupt practice, undue influence, or treating as aforesaid, shall, in addition to the penalties hereinbefore provided, forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter.

Penalty on candidate guilty of corrupt practices, etc.

32. The Returning Officer or Deputy Returning Officer shall, if he has reason to suspect that any person is personating or attempting to personate any elector or deceased elector, or if called upon so to do by any candidate or agent of candidate, require such person to sign his or her name. Any person who, upon being so required, declines or refuses to sign his or her name shall on summary conviction be liable to the penalties hereinbefore provided in cases of persons guilty of corrupt practices.

Returning Officer suspecting person of personation to require such person to sign name.

Penalty for refusing to sign.

33. The actual personal expenses of any candidate, his expenses for actual professional services performed, and bona fide payments for the fair costs of printing and advertising shall be held to be expenses lawfully incurred, and a payment in respect thereof shall not be a contravention of this Act.

Expenses of candidates.

Assessments.

34. The Council shall appoint an Assessment Commissioner, and when necessary one or more assistants, all of whom shall be called Assessors, and they shall constitute a Board; and the salaries to be paid to the said assistants shall be fixed by the Council for each of them, during the time they are employed, as the Council may think right; and the salary to be paid and duties to be performed by the said Assessment Commissioner, who shall be a permanent officer of the city, shall also be fixed by the Council, and the Assessment Commissioner and Board shall be subject to the directions of the Council in the matter of assessments and the mode of assessing land as distinct from improvement thereon.

Commissioner and Assessors to be appointed.

35. The assistant or assistants of the Assessment Commissioner, after his or their appointment by the Council, shall be under the control and supervision of the Assessment Commissioner, who shall

Assessor to be under the control, etc., of Commissioner.

have the right, irrespective of the Council, to suspend any assistant disobeying orders or otherwise, in his opinion, violating the duties of his office, pending the action of the Council, and during which period his salary and wages shall cease; and the said Assessment Commissioner may also, during such suspension of any assistant pending the action of Council, employ another to fill his place.

Council to provide him with assessment roll.

36. The Council shall, on or before the first day of October in each year, furnish the Assessor or Assessors appointed with a printed or ruled form of an assessment roll, in conformity with Schedule A of this Act, or in such other form as the Council shall direct, in which, after inquiry, he or they shall set down all the information therein required to be contained, and also with a sufficient number of blank forms to proceed with and conclude the assessment.

All rateable property to be valued.

37. It shall be the duty of the Assessor or Assessors annually to make a valuation of all the rateable property in the city, and to report the same with such particulars as the Council may require.

Rateable property to be valued at cost value.

38. All rateable property shall be estimated at its actual cash value as it would be appraised in payment of a just debt from a solvent debtor, the value of the improvements (if any) being estimated separately from the value of the land on which they are situate.

Revision of the valuations.

39. It shall be the duty of the said Assessor or Assessors to revise the valuations made by each Assessor, if more than one Assessor be appointed, and to see that all rateable property in the city is assessed, and to make out an assessment roll in such form as the Council may direct; and when such assessment roll is completed it shall be the duty of the Assessment Commissioners to deliver, or cause to be delivered, at least fifteen days before the first sitting of the Court of Revision, to each person so assessed who resides within the city, either personally or by leaving the same at their residence or place of business, or by mailing same addressed to such person at Vancouver City, excepting where the party assessed has filed with the Commissioner at the City Hall his address, when in such case the notice hereby required shall be mailed addressed to such address so filed, a notice containing a copy of so much of the assessment roll as refers to the property of such person:

Assessment roll to be made out, and notice to be delivered to persons assessed.

When assessment roll to be completed.

(1.) It shall be the duty of such Assessor or Assessors, if more than one be appointed, to begin to make the assessment not later than the first day of November in each year for the year following, and to return to the City Clerk the assessment roll not later than the thirty-first day of December in each year, and he or they shall attach thereto a certificate signed by him or each of them (if more than one Assessor), and verified upon oath or affirmation before the Mayor or Police Magistrate of the city, or before any

Justice of the Peace having jurisdiction in the city, and such oath or affirmation shall be in the form following, or to the like effect:—

I [or we] do solemnly certify (each for himself and for each other), as far as my [or our] knowledge extends, that I [or we] have set down in the above assessment roll all the real property liable to taxation situated within the Ward of the City of Vancouver, and the true and lawful value thereof, according to the best of my [or our] information and judgment; and I [or we] certify that I [or we] have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons entitled to be assessed, who have required their names to be entered thereon, with the true amount of property occupied or owned by each; and that I [or we] further certify and swear [or affirm, *as the case may be*] that I [or we] *have not entered the name of any person whom I [or we] do not truly believe to be a householder, tenant or freeholder, or the bona-fide occupant or owner of the property; and I [or we] further certify and swear [or affirm, as the case may be] that I [or we] have not entered the name of any person in order to give such person a vote, or at too low a rate in order to deprive such a person of a vote, or for any other reason whatsoever. So help me God.*

Certificate attached to roll.

- (2.) It shall be the duty of such Assessor or Assessors, in addition to other duties imposed upon them, to collect such other information as is required by any Act of the Legislature of this Province, or by any Order in Council passed thereunder:

Assessor to gather all necessary information.

- (3.) The real estate of all companies shall be considered as land of residents, although the company has not an office in the city:

Real estate of companies.

- (4.) It shall be the duty of the City Clerk, on the return of the assessment roll, to give notice when and where the same may be inspected, said notice to be given at least thirty days before the Court of Revision, which notice shall be published in a newspaper in the city, and shall also state the time and place at which said Court of Revision shall hold its first meeting. 1906, c. 68, s. 2.

Inspection of assessment roll.

40. It shall be the duty of every person and the secretary of every company owning or occupying rateable property in the city to give all necessary information to the Assessor or Assessors, and if required by one or more of the Assessors, he shall deliver to him or them a statement in writing, signed by such person, or his agent if the person himself be absent, containing all the particulars respecting the property assessable against such person or company which are required in the assessment roll. It shall be the duty of the Deputy Registrar of the Land Registry Office of the City of Vancouver, when so required by Assessors, to allow him or them access, free of charge, at all reasonable times, to the books containing the records of city property, for the purpose of perfecting such assessment.

Particulars respecting real property to be delivered to Assessor in writing by the parties to be assessed.

Penalty for not giving statement.

41. In case any person fails to deliver to the Assessor or Assessors the written statement mentioned in the preceding section when required so to do, such person shall, upon conviction before the Mayor or Police Magistrate, or any Justice of the Peace having jurisdiction in the city, forfeit to the Corporation a sum not exceeding fifty dollars and costs, to be recovered by distress and sale of goods and chattels of the offender, in like manner as if convicted of the breach of any by-law of the city.

Statements given by parties not binding on Assessors.

42. No Assessor or Assessors shall be bound by any such statement if he or they has or have any reason to doubt its accuracy, nor shall he or they be excused on account thereof from making inquiry to ascertain its correctness, and he or they shall discriminate as to property mentioned therein which is legally assessable or otherwise, and may assess such person or company for such property as he or they believes or believe to be just and correct, and may omit his or its name or any property which he or it claims to own or occupy if the Assessor or Assessors has or have reason to believe that he or it is not entitled to be placed on the roll or to be assessed for such property.

be called "lands of non-residents," except, etc.

43. Unoccupied lands shall be denominated "lands of non-residents," unless the owner thereof gives notice in writing, setting forth his full name, place of residence, and post-office address to the Clerk of the city on or before the thirtieth day of October in each year, that he owns such land, describing it, and requires his name to be entered on the assessment roll therefor; and the City Clerk shall, on or before the first day of November in each year, make up and deliver to the Assessor or Assessors a list of the persons requiring their names to be entered on the roll and the lands owned by them:

When owner unknown.

(1.) All property, the name of the owners of which shall not be ascertained by the Assessor or Assessors, shall be entered on the assessment roll as "non-resident property":

When land to be assessed in owner's name.

(2.) Lands occupied by the owner shall be assessed in his or her name:

When land not occupied by the owner, but owner is known.

(3.) As to lands not occupied by the owner but of which the owner is known, and who at the time of the assessment being made resides or has a legal domicile or place of business in the city, or who has signified by writing to the City Clerk, as herein provided, that he owns the land and requires to be assessed therefor, the same shall be assessed against such owner alone if the land is unoccupied, or against such owner and occupant when occupied.

Assessment not invalid for defect in form, omission, or non-return.

44. No assessment shall be invalid by reason of omission of assessable property therefrom, or of any defect in form, or because of the non-return of the roll at the time specified.

45. The Council may by by-law exempt from taxation, wholly or in part, any improvements, erections, and buildings erected on any land within the city, notwithstanding that they may be part of the real estate:

Power of Council to exempt from taxation.

- (a.) In the event of any land being sold at a tax sale and not having been redeemed, the taxes accrued due during the period allowed for redemption shall, if unpaid at the time of the delivery of the deed to the purchaser, be paid by said purchaser:
- (b.) When any owner of a lot, block, or other subdivision of land assessed files and registers a plan thereof in the Land Registry Office, he shall immediately thereafter furnish to the Assessor a copy, tracing, or blue-print thereof for the information and guidance of the Assessor:
- (c.) The taxes assessed, levied, and collected under this Act shall be deemed to be due and payable on the second day of January in each year. 1904, c. 62, s. 2.

Payment of taxes accrued during redemption period.

Copy of plan of subdivision to be furnished to Assessor.

Taxes payable on 2nd January each year.

Exemptions.

46. Except as otherwise in this Act provided, all land, real property, improvements thereon, machinery and plant being fixtures therein and thereon in the city shall be liable to taxation, subject to the following exemptions, that is to say:—

What property liable to taxation.

- (1.) All property vested in or held by Her Majesty, or vested in any public body or body corporate, officer, or person in trust for Her Majesty or for the public use of the Province, and also all property vested in or held by Her Majesty or any other person or body corporate in trust for or for the use of any tribe or body of Indians, and either unoccupied or occupied by some person in an official capacity:
- (2.) When any property mentioned in the preceding clause is occupied by any person otherwise than in any official capacity, the occupant shall be assessed in respect thereof, but the property other than the improvements placed or affixed thereon by the occupant itself shall not be liable:
- (3.) The buildings and grounds of and attached to and belonging to every university, college, high school, public free library, mechanics' institute, the lands of any agricultural or horticultural society, or any incorporated seminary of learning, public hospital, or any incorporated charitable institution, whether vested in trustees or otherwise, so long as such buildings and grounds are actually used and occupied by such institution, or if unoccupied, but not if otherwise used or occupied; provided that such grounds shall not exceed in extent the amount actually necessary for the requirements of the institution. The question as

Exemptions.

All property belonging to Her Majesty.

Indian lands unoccupied, or occupied officially.

But if occupied not officially.

Universities, agricultural societies, and incorporated charitable institutions, etc.

Limit of exemption.

Court of Revision to finally decide, what

amount of land is necessary.

Property belonging to city.

Public poorhouse, almshouse, etc.

to what amount of land is necessary shall be decided by the Court of Revision, whose decision shall be final:

- (4.) The property belonging to the city, whether occupied for the purposes thereof or unoccupied, but not when occupied by any person as a tenant or lessee or otherwise than as a servant or officer of the city for the purposes of said city:
- (5.) Every public poorhouse, almshouse, orphans asylum, house of industry, and lunatic asylum, and every house belonging to a company for the reformation of offenders, and the real property belonging to or connected with the same, and used in connection therewith. 1911, c. 75, s. 2.

Court of Revision.

Assessment roll to be revised annually.

47. The assessment roll of the city shall be annually revised, equalized, and corrected by the Council sitting as a Court of Revision, who may hold or adjourn the sittings of the Court of Revision as a majority of the members present may determine.

Council to appoint by resolution time and place for sitting of Court of Revision.

48. The Council shall, within two months after the time fixed for the Assessor to return the roll to the City Clerk, appoint, by resolution, a time and place for the sitting of the Court of Revision for hearing all complaints against the assessment as made by the Assessor, and shall, after hearing the same (if any), as well as the Assessor, and such evidence as may be adduced, alter, or amend, or confirm the roll accordingly.

Complaint.

49. Any person complaining of an error or omission in regard to himself as having been wrongfully inserted on or omitted from the roll, or as having been undercharged or overcharged in the roll,

Notice of complaint.

may, personally, or by means of a written communication over his signature, or by an attorney, or by any other person authorized by him in writing to appear on his behalf, come before the Court of Revision and state his ground of complaint, and the Court may confirm or correct the assessment:

Notice to be given ten clear days before sitting.

(a.) If he shall first have given notice in writing to the City Clerk of the ground of his complaint at least ten clear days before the date appointed for the sitting of the Court of Revision:

Ratepayer who thinks any person assessed too high or too low may give notice, etc.

(b.) If a ratepayer thinks that any person has been assessed too low or too high, or has been wrongfully inserted on or omitted from the roll, he may, within the time limited by the preceding subsection, give notice in writing to the City Clerk, who shall forward by post a notice to such person of the time when the matter will be tried by the Court of Revision, and the matter shall be decided in the same manner as complaints by a person assessed.

50. At the times or time appointed, the Court, of which five members of the Council shall form a quorum, shall meet and try all complaints in regard to persons wrongfully placed upon or omitted from the roll, or assessed at too high or too low a sum. Hearing.

51. The Court, or some member thereof, may administer an oath to any party or witness before his evidence is taken, and may issue a summons to any person to attend such Court as a witness. Administration of oaths and attendance of witnesses.

52. If the person summoned to attend the Court of Revision as a witness fails, without good and sufficient reason, to attend (having been tendered compensation for his time at the rate of two dollars a day), he shall incur a penalty of twenty dollars, to be recoverable with costs by and to the use of any person suing for the same. Penalty for witness failing to attend.

53. If any person complaining fails to appear when required by the Court of Revision, either in person or by an attorney or an agent, the Court may proceed ex parte. Proceeding when complainant fails to appear.

Equalization of the Assessed Value of Land.

54. The members of the Municipal Council constituting the Court of Revision for the assessment roll are hereby also constituted and empowered, under the following conditions only, to act as a Board for the equalization of the assessed value of land and improvements:— Members of Court of Revision to constitute Board for equalization of assessed value of land and improvements.

(a.) In the event of the Assessor's valuation of land and improvements, as shown by assessment roll, being in the opinion of a majority of all the members of the Court of Revision, as expressed by a resolution, in excess of the actual cash value as defined by section 38 of this Act, the Board may then direct the City Clerk to reduce the value of all the land and improvements upon the assessment roll by a definite and fixed per centum, and the Assessor shall so reduce it; or If Assessor's valuation in excess of cash value, Board may direct Clerk to reduce value, etc.

(b.) In the event of a complaint, made in accordance with section 49 of this Act, from the Assessor's valuation having been heard, and the Court of Revision having decided that the value put upon the lot or parcel of land or improvements by the Assessor in respect of which the complaint is made is in excess of its actual cash value as defined by section 38 of this Act, the Court of Revision, acting as a Board of Equalization, may direct the Assessor to reduce the assessed value of any land or improvements of the same class, on the same street, or in the same vicinity, in order to make the assessed value of the land or improvements equal in the locality, whether a complaint against the Assessor's valuation upon the particular lot or lots or parcels of land or Court of Revision having decided value put upon lot, etc., is in excess of cash value, may, acting as Board of Equalization, direct Assessor to reduce value.

improvements so reduced and equalized has been made or not by or on behalf of the person assessed, and the Assessor shall make the reduction as so directed.

The Revised Assessment Roll.

Revised assessment roll, etc., to bind all parties, etc.

55. The assessment roll, as revised or confirmed and passed by the Court of Revision, shall, except in so far as the same may be further amended on an appeal to a Judge of the Supreme Court, be valid and bind all parties concerned, notwithstanding any defect, error, or misstatement in the notice required, or the omission to deliver or transmit such notice; and the roll shall, for all purposes, be taken and held to be the assessment roll of the city (subject, however, to such alterations, if any, as are made on appeal to the Supreme Court) until a new roll shall have been revised, confirmed, or passed by the Court of Revision.

Appeal from Court of Revision.

56. If a person be dissatisfied with the decision of the Court of Revision he may appeal therefrom, in which case—

Written notice of intention to appeal to be given.

(1.) He shall within one week after the decision, in person or by attorney, serve upon the Clerk of the city and the District Registrar of the Supreme Court at Vancouver a written notice of his intention to appeal to a Judge of the Supreme Court, and setting out in such notice his grounds of appeal, and shall prosecute such appeal by obtaining a hearing of the Judge within fourteen days or within such further time as the Judge may allow:

Grounds of appeal to be set out.

Judge to appoint day for hearing.

(2.) The Judge shall appoint a day for hearing the appeal; said day shall be within ten days from the date the Registrar received the notice of appeal, notice of which shall be given by the Clerk:

Duties and powers of Judge.

(3.) The Judge shall hear the appeal and evidence adduced upon oath at the time and place appointed, in a summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure, but so that judgment shall be delivered within one month from the final revision of the assessment roll; and if the appeal shall not be decided within the time herein limited the decision of the Court of Revision shall stand: Provided, however, that the appeal from the decision of the Court of Revision shall be limited to the question whether the assessment in respect of which the appeal is taken is or is not equal and rateable with the assessment of other similar property in the city having equal advantage of situation against the assessment of which no appeal has been taken:

Clerk to produce assessment roll, etc., on hearing of appeal.

(4.) The City Clerk shall, on any appeal from the decision of the Court of Revision, produce before the Judge, at the

time and place appointed for hearing the appeal, the assessment roll and all papers and documents in his possession in any way affecting the matter:

- (5.) The cost of such appeal shall be in the discretion of the presiding Judge, who shall fix the amount thereof and order by whom and to whom the same shall be paid, and the payment thereof may be enforced by execution issued out of the said Court upon an order of said Judge.

Costs of appeal in discretion of Judge.

Levying Rates.

57. The Council of the city shall, in each and every year after the final revision of the assessment roll, pass a by-law for levying a rate or rates on all the rateable property on the said roll, to provide for all the necessary expenses of the city, as well as the payment of every such sum or sums as the city shall have undertaken to be liable for during the current year, in respect of any debenture or other debt or obligation, and also such other sum or sums of money as may be found expedient: Provided always that the rate to be levied in any year, in addition to what is required for payment of interest on outstanding debentures, and the amount required for a sinking fund therefor, and for school purposes (if any), shall not exceed the sum of one and one-third cents on the dollar.

Yearly rate to be levied by by-law.

Limitation of rate.

Collection of Rates.

58. Upon and forthwith after the said final revision of the assessment roll and the passage of such by-law, the Clerk of the city shall make out a tax roll or rolls, in the form in the Schedule A to this Act, sign and deliver the same to the Collector; the said roll shall then remain in the hands of the Collector for collection of taxes.

Clerk to make out tax rolls.

Form of tax rolls.

59. The said tax roll also shall have a column in which shall be entered any arrears of taxes due on or in respect of any land or other property in the city, and said arrears shall be set down opposite the name of the person, or in the non-resident and numerical rolls, opposite the land liable therefor; and these arrears of taxes shall be such as shall have been furnished to the Clerk of the city by the Collector, or such as the City Clerk shall himself be otherwise aware of, from the books or other accounts in his office or possession as such Clerk, as being legally due on or in respect of any land or property in said roll, and such roll shall be prima facie evidence of the correctness of its contents and received in evidence in any Court of law.

Contents of tax rolls.

60. The Collector shall forthwith serve upon or transmit by mail a notice containing a statement and demand of taxes to each person whose name appears on said roll, or to the agent of such person if absent, if he knows the name of such agent, or if he has no known agent, then to be addressed to the person taxed at the Vancouver

Collector to serve notice demanding payment of rates.

Post-office; and such statement and demand shall mention the time when such taxes are required to be paid, and what discount (if any) will be allowed for prompt payment of the same; and the said Collector shall enter the date of mailing such notice in said tax roll opposite the name of the person taxed, and such entry shall be prima facie evidence of the mailing of same.

On receipt of tax roll, etc., Collector to proceed to collect.

61. The Collector, upon receiving the said roll or other instructions to collect, shall proceed to collect the rates or taxes therein mentioned, if authorized by the Council, by suit in any Court of competent jurisdiction, or by any other means provided by this Act, and the production of a copy of the Collector's roll showing the rates or taxes to be due by such person sued shall be prima facie evidence of the debt, and that the notices required by this Act to be sent to the person liable for the tax were duly sent.

When roll shall be returned.

62. The Collector shall return the roll to the Treasurer not later than the thirty-first day of December in each year, or at such other time as the Council may appoint, and shall pay over the amounts each day, as collected, to the Treasurer.

Money collected to be paid daily to Treasurer.

Sale of Land for Taxes.

Rates to be a charge against tenant or occupier as well as owner.

63. All assessments under this Act shall be due and payable not only by the owner of the property upon which they are imposed, but also by the possessor or occupant of the property and by the tenant or lessee of such property, to the extent to which the possessor, occupant, tenant, or lessee is indebted to such owner, and the payment by any such person shall be a discharge of the property for the amount so paid, and shall also be a discharge to the possessor, occupant, tenant, or lessee of so much of his indebtedness to the owner as he shall have so paid.

64. [*Repealed, 1904, c. 62, s. 3.*]

Current year's taxes not receivable until arrears paid.

65. The Collector shall not receive at any one time less than one year's taxes, and in case the whole arrears are not paid at one time, he shall credit the payment made (being a sum not less than one year's taxes) to the first and following years overdue, as shown on the tax roll, unless satisfactory proof is produced of the previous payment, or erroneous charge in respect of any portion thereof; but if satisfactory proof is adduced to him that any parcel of land on which taxes are due has been subdivided, he may receive the proportionate amount of taxes chargeable upon any of the subdivisions, and leave the other subdivisions chargeable with the remainder: Provided always that no discount shall be allowed on any payments unless the whole arrears are paid up.

If demanded, Collector to give a written statement of arrears.

66. The Collector, on demand, during the time in which he shall have the tax roll in his possession, shall furnish to any person requir-

ing the same a written statement of the arrears of taxes at that date in respect of any specified land; and he may charge a fee of twenty-five cents for furnishing such statement if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels, but he shall not make any charge for search or statement to any person who pays the taxes, provided that no more than two dollars shall be charged for any statement.

Fee therefor.

67. The taxes accrued on any land shall be a special lien on such land, having preference to any claim, lien, privilege, or encumbrance of any party except the Crown, and whether the same are registered or not, and shall not require registration to preserve it.

Taxes to be a lien upon land, etc.

68. The Corporation may register with the Registrar of Titles all taxes which may be due on the land at the expiration of the fiscal year, and a fee of twenty-five cents shall be paid for each tax so registered, and the same fee for a discharge of each such tax.

Taxes may be registered as a charge.

69. All overdue taxes shall bear interest at the rate of six per cent. per annum calculated from the first day of January following the date on which the said taxes were levied.

Overdue taxes to bear interest.

70. The Council may, by by-law, provide for, make regulations, and authorize the sale at public auction of any land, or improvements, or real property upon which there shall be at the time of passing of such by-law unpaid taxes in arrears for the period of two years prior to the passing of such by-law:

Council to provide by by-law for sale of land for taxes.

(a.) The Treasurer shall, subject to the provisions and regulations and conditions of sale of any by-law passed under authority of this section, after selling any real property, give a certificate under his hand to the purchaser, stating distinctly what part or proportion have been so sold, or stating that the whole lot, section, or estate has been sold and describing the same, and also stating the quantity of real property, the sum for which it has been sold, and the expenses of the sale, and further stating that a deed conveying the same to the purchaser or his assigns, according to the nature of the estate or interest sold, will be executed on his or their demand, at any time after the expiration of one year from the day on which an order may be made by a Judge of the Supreme Court confirming the sale, if the real property be not previously redeemed, upon payment of a fee hereinafter provided; and such order shall be made on petition of the Treasurer, on proof being made to the satisfaction of the Judge that notice of sale having been made, and of the consequences thereof, in writing, or partly in print and partly in writing, signed by the Treasurer, has been served on the person, or if

Treasurer selling to give purchaser a certificate of land sold.

more than one, then on each of the persons who at the time of the service thereof appeared on the register in the Land Registry Office of the district in which the real property is situated, as owner or the holder of a registered charge on the real property, or that substituted service has been effected in such manner as any such Judge may have directed. The purchaser shall, on the receipt of the Treasurer's certificate of sale, become the owner of the real property so far as to have all necessary rights of action or powers for protecting the same from spoliation and waste, until the expiration of the term during which the property may be redeemed; but he shall not knowingly permit any person to cut timber growing upon the land:

Owner of real property sold for taxes may redeem within one year by paying purchase-money.

- (b.) The owner of any real property which may hereafter be sold for non-payment of arrears of taxes, or his heirs, executors, administrators, or assigns, or any other person in his or their behalf, may at any time within one year from the day on which the order referred to in the preceding subsection of this Act confirming the sale is made exclusive of that day, or before the delivery of the conveyance to the purchaser at the tax sale, redeem the estate sold by paying or tendering to the Treasurer for the use and benefit of the purchaser or his legal representatives the sum paid by him, together with interest thereon at the rate of six per cent. per annum, and the Treasurer shall give the party paying such redemption-money a receipt stating the sum paid and the object of such payment, and such receipt shall be evidence of the redemption. From the time of a tender to the Treasurer of the full amount of redemption-money required by this Act, the said purchaser shall cease to have any further right in or to the real property in question:

Deed of sale, if not redeemed.

- (c.) If the real property be not redeemed within the period so allowed, then on demand of the purchaser or his assigns or other legal representatives, at any time afterwards, and on payment of one dollar, the Clerk shall prepare and execute with the Mayor, and deliver to such purchaser or his assigns or legal representatives, a deed of the said real property:

Effect of such deed.

- (d.) The deed to the purchaser of any real property sold under the provisions of any by-law passed under the authority of this Act shall have the effect of vesting such real property in the purchaser, his heirs and assigns, in fee-simple or otherwise, according to the nature of the estate or interest sold; and no such deed shall be invalid for any error or miscalculation in the amount of taxes or interest thereon

in arrear, or on account of the property having been assessed as land. And the Registrar of Titles, upon production of the deed and application in the usual form, and upon payment of the usual fees, shall register or record the same in the usual manner:

- (c.) All actions to set aside, vary, or in anywise affect any deed of conveyance of land sold for taxes, delivered to the purchaser under subsection (c) hereof, shall be commenced within one year from the date of the said deed being so delivered; and in default of any action being commenced within the said period, such deed of conveyance shall not be set aside, varied, cancelled, or otherwise affected, but shall be and be deemed to be a valid and effectual deed for the purpose of vesting the title, and shall vest the title, to the land so conveyed in the purchaser thereof, notwithstanding any default, irregularity, defect, or invalidity there may have been in carrying out the provisions of this Act, or any by-law passed thereunder, or any of the proceedings relating to the assessment, notices of assessment, or the sale of the land for overdue taxes. 1904, c. 62, s. 4; 1906, c. 68, s. 3; 1912, c. 59, s. 15.

Action to set aside conveyance of land sold for taxes to be commenced within one year from delivery of deed.

71. Where the title to any land sold for arrears of taxes is vested in the Crown, the deed therefor, in whatever form given, shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person or persons possesses or possess under any colour of right whatever.

When Treasurer sells land the fee of which is in Crown, he shall only sell the interest the Crown has parted with.

72. The city, in case of any sale for taxes being declared invalid, shall be liable only for the purchase-money actually paid therefor to the Treasurer, and legal interest thereon, as for damages or otherwise.

In case of invalid sale, city only liable for purchase-money, etc.

Voters' List.

73. The Clerk of the city shall, within sixty days after the final revision and correction of the assessment roll in every year, make a correct alphabetical list of all persons being of the full age of twenty-one years, and appearing by the assessment roll to be entitled to vote in the city at municipal elections, prefixing to the name of each person his or her number upon the roll, giving the names of the voters in each ward or polling subdivision in the city separately, and shall, opposite the name of the person, insert in the proper column of the voters' list the number of the lot or other proper description of the property in respect of which such person is qualified. 1912, c. 59, s. 2.

Clerk to make list of voters.

74. The words "owner" (O) and "tenant" (T) appearing on the assessment roll pursuant to the provisions of this Act shall, for the

Meaning of "owner" and "tenant."

purposes of the provisions of this Act relating to the voters' list, also be held to mean respectively owner (O) or tenant (T), and shall be so entered in the voters' list by the Clerk.

Forms of voters' list.

75. In carrying into effect the voters' list provisions of this Act, the forms given in Schedule A of this Act may be used, and the same, or forms to the like effect, shall respectively be deemed sufficient for the purposes mentioned in this Act.

Notice to be published when voters' list completed.

76. Immediately after the Clerk has made the said alphabetical voters' list, he shall give public notice, by printed posters on the City Hall and Provincial Court-house, and by advertisement once a week for four weeks in not less than one newspaper published in the city, that the said list has been completed, and that the same shall be kept in his office until the first of September following, for examination by all concerned; and any person who shall claim to be added to the said voters' list, or any elector who shall desire to have any name erased therefrom, shall prefer his or her request in writing, signed with his or her name, stating the ward to which he or she belongs, and shall deliver, or cause the same to be delivered, to the City Clerk.

Revision of list.

77. The said list shall be finally revised and corrected by such person as the Council may appoint, who shall be designated "the Revising Judge," on or before the first day of November in each year. The decision of the Revising Judge in regard to the right of any person to be placed on or removed from the list shall be final as regards such person.

Proceedings on person complaining of errors in the list.

78. Any person claiming to be added to the said list, and any voter complaining of any error or omission in the said list, shall, before the said first day of October, give to the Clerk or leave at his office a notice in writing of his or her complaint and intention to appeal to the Revising Judge in respect thereof at the time appointed for the revision thereof. If the office of Clerk is vacant for any reason whatsoever, such notice may be given in like manner to the head of the Council of the city. 1906, c. 68, s. 4.

Day for hearing.

79. The Revising Judge shall appoint a day for the revision of the said list at the City Hall, notice of which shall be given by the Clerk by advertisement in one of the daily papers published in the city, and also by posting notices at the City Hall and Provincial Court-house at least fourteen days before the day so fixed.

Assessment roll, etc., to be produced to Court.

80. The City Clerk shall, upon the day appointed for the revision, produce to the Revising Judge the assessment roll, voters' list, and all notices, papers, and documents in his possession affecting the matter.

81. The Revising Judge shall on the day appointed for the revision as aforesaid hear the appeals or complaints, notice of which shall have been given as hereinbefore provided, and any evidence adduced upon oath, in a summary manner, and may adjourn the hearing from time to time and defer judgment thereon at pleasure: Provided that the Revising Judge may accept as conclusive evidence the affidavit of any applicant to be placed on the list made on or after the first day of August before the Mayor or City Clerk or Commissioner for taking Affidavits, as to his qualification or non-qualification as a voter. 1906, c. 68, s. 5; 1909, c. 63, s. 11.

Hearing of appeal.

Affidavit as to qualification may be received by Judge.

82. In case no complaint respecting such list is received by the Clerk before the first day of October, the Revising Judge shall, after he has satisfied himself of the correctness of the list, forthwith certify the list so having been posted up as aforesaid as being the revised list of voters for the city, and the certificate of the Revising Judge shall be according to the form given in Schedule A of this Act. 1906, c. 68, s. 6.

Judge to certify list if no complaint.

83. If on a complaint to add any person to the list or to strike out thereof the name of any person entered thereon, or if at the instance or suggestion of the City Clerk the Revising Judge from the evidence produced is of the opinion that the person claiming to be added is entitled to be added on the list or entered thereon in respect of qualifications other than that in which he is already entered in the list, or that any person's name should be erased from the list, he shall make such corrections in or additions to the list as may be just.

Judge to correct list.

84. In case complaints have been made as aforesaid, then immediately after the list has been revised by the Revising Judge and corrected he shall certify to such corrected list and sign a statement setting forth the changes (if any) which he has made in the list; such statement and certificate may be in the form given in Schedule A of this Act.

After final revision, Judge to make statement of alterations, and certify copy of list.

85. It shall be lawful for the Revising Judge, where real property has been sold since the last revision of the assessment, or where some person other than the person entered on the last revised assessment roll would be entitled to be entered upon the said roll, to substitute on the voters' list the name of the new owner or such other person as aforesaid for that of the person appearing on the said last revised assessment roll, and the person so substituted shall be entitled to vote in respect of such qualification in the stead of the person whose name so appears on the said last revised assessment roll.

Where real property sold, etc., power of Revising Judge to substitute name.

Powers of Revising Judge.

86. In all proceedings before the Revising Judge he shall have, with reference to the matters herein contained, all the powers which belong to or might be exercised by a Judge of the County Court.

Copies of list to be printed.

87. Immediately after the final revision and correction of the voters' lists, the Clerk shall cause at least one hundred copies of each list to be printed (in pamphlet form), and forthwith shall cause one of such printed copies to be posted up, and to be kept posted up, in some conspicuous place in his office, and deliver or transmit by post or by parcel or book post two copies to each of the following persons:—

Copies to be posted in Clerk's office, and copies to be sent to certain persons.

- (1.) The Revising Judge who certified said lists:
- (2.) Every member of the City Council:
- (3.) To any other party requiring the same, on payment of twenty-five cents therefor.

Remuneration to Judge.

88. The Revising Judge shall be paid the sum that may from time to time be fixed by resolution of the Council, not exceeding twenty dollars per diem; and such payment and all other charges (not otherwise hereinafter provided for) necessary to be incurred in connection with the holding and proper conduct of the business of the Court shall be paid by the Treasurer of the city, upon the certificate or voucher of the Revising Judge as to the service performed, and in cases other than as to his own fees, as to the nature or the necessity for the service performed.

Powers of the Judge of the Court of Revision.

89. In all disputed cases coming before said Revising Judge in connection with the revision and correction of the said lists, and in all cases where an application is dismissed as being unwarranted, or where the Revising Judge shall consider that the ground of application was known, and that the purpose of such application might have been accomplished otherwise than by appealing, and notwithstanding anything in this Act appearing to the contrary, the said Revising Judge may order the applicant or other person in the position of the respondent, and being a party interested in the application; to pay a hearing fee of five dollars and such reasonable costs, not exceeding County Court scale (if any), as the Revising Judge may determine.

Report by Judge as to fraud, etc.

90. If the Revising Judge believes, or has good reason to believe, that any person or persons has or have contravened this Act, or that frauds in respect to the assessment or voters' lists have prevailed extensively in the city, it shall be his duty to report the same to the Council, with such particulars as to names and facts as he may think proper.

Amendment.

91. The Revising Judge shall have power to amend any notice or other proceeding upon such terms as he may think proper.

92. If any appellant or complainant entitled to appeal dies or Appellant. abandons his appeal or complaint, or, having been on the alphabetical list made and posted by the Clerk as aforesaid, is afterwards found not to be entitled to be an appellant, the Judge may, if he thinks proper, allow any other person who might have been an appellant or applicant to intervene and prosecute such appeal or complaint, upon such terms as the Judge may think just.

93. Except as otherwise in this Act provided, no costs shall be Scale of costs. allowed on any proceeding under this Act, other or higher than would be allowed in the County Court in the scale of costs in actions therein. 1911, c. 75, s. 3.

94. The payment of any costs ordered to be paid by the Revising Costs, payment of, how enforced. Judge may be enforced by an execution against goods and chattels, to be issued from the County Court having jurisdiction in the City of Vancouver, upon filing therein the order of the Revising Judge and an affidavit showing the amount at which such costs were taxed and the non-payment thereof. The writ of execution may be accorded to the form given in Schedule A of this Act.

95. If any person not assessed is found entitled to vote, the Corporation shall be entitled to recover taxes from him, and to enforce payment thereof by the same means and in the same manner as if he had been assessed on the roll for the amount found by the Revising Judge; and the Judge shall make an order setting forth the names Persons whose names omitted from roll and inserted on revision liable to pay taxes. of the persons so liable, and the sum for which each person should have been assessed, and the land or other property in respect of which the liability exists; and such order shall be transmitted to the Clerk of the city, and shall have the same effect as if the said particulars had been inserted in the assessment roll; and the said order for the assessment of persons omitted from the assessment roll may be according to the form given in Schedule A of this Act. Judge's order.

96. The times appointed for the performance by the Clerk of the city of the duties required by him by this Act, relating to the voters' lists, shall be directory only to the said Clerk; and the non-performance by him of any of the said duties within the times appointed shall not render null, void, or inoperative any of the voters' lists in this Act mentioned. Failure of Clerk to perform duties not to vitiate list.

97. In case the Clerk of the city fails to perform any of the duties aforesaid, any voter, or any person entitled to be on the voters' list, may forthwith apply summarily to a Judge of the Supreme Court to enforce the performance of the same. The application to a Judge against a delinquent Clerk may be accorded to the form given in Schedule A of this Act. Provision in case Clerk of the city fails to perform duties.

98. The Judge shall, on such application, by summons given Judge may require Clerk or other person to appear and submit to examination. under his hand, which may be according to the form given in

Schedule A of this Act, require the Clerk of the city, and any other person he sees fit, to appear before him and produce the assessment roll and any documents relating thereto or to the list in respect of which the application is made, and to submit to such examination on oath as may be required of him or them, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purpose aforesaid.

Penalty on Clerk
for neglect, etc.

99. If the Clerk of the city omits, neglects, or refuses to complete the voters' lists, or to perform any of the duties hereinbefore required of him by the voters' lists clauses of this Act, such Clerk, for each omission, neglect, or refusal, shall incur a penalty not exceeding two hundred dollars.

Clerk, etc., wilfully
falsifying lists to
incur a penalty.

100. If the Clerk of the city, or any other person, wilfully makes any alteration, omission, or insertion, or in any way wilfully falsifies any such certified list or copy, or permits the same to be done, every such person shall incur and be liable to a penalty not exceeding two thousand dollars, or to be imprisoned in the common gaol of the district in which the city is situated for a period not exceeding six months, in the discretion of the Court.

Colourable transfer
of property in order
to confer vote.

101. No person shall wilfully or improperly make, execute, accept, or become a party to any lease, deed, or other instrument, or become a party to any verbal agreement, whereby a colourable interest in any house, land, or tenement is conferred in order to qualify any person to vote at an election; and any person wilfully or improperly violating the provisions of this section, besides being liable to any other penalty prescribed in that behalf, shall, on summary conviction by the Police Magistrate or a Justice of the Peace having jurisdiction, be liable to a penalty of one hundred dollars, or in default of payment forthwith six months imprisonment, with or without hard labour, in the common gaol in the city, unless the said penalty be sooner paid; and any person who induces, or attempts to induce, another to commit an offence under this section shall incur a like penalty.

Recovery of penalties.

102. The penalties mentioned in the three last preceding sections may be recoverable, with costs of suit, by any person suing for the same in any Court of competent jurisdiction in the Province.

By-laws requiring the Assent of the Electors.

Who may vote on
by-laws requiring
assent of electors.

103. The right of voting on by-laws requiring the assent of electors shall belong to the following persons, being males, married women, or femme soles of the full age of twenty-one years, being rated to the amount of three hundred dollars as owners of real property on the last revised assessment roll, held in their own right; and each person so qualified shall be entitled to one vote only:

- (1.) After a by-law requiring the assent of the electors has passed its second reading, and before the date of the submission of the same to the electors, the City Clerk shall prepare a list of the persons who are entitled to vote on the proposed by-law in accordance with the preceding section: Clerk to prepare list of voters after second reading.
- (2.) In case a by-law requires the assent of the electors of the city before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for: If by-law requires assent of electors, mode of obtaining same.
- (3.) The Council shall by a by-law fix the day, hour, and places for taking the votes of the electors on the by-law to be submitted, and shall also name Returning Officers to take the votes at such places, and such day shall not be less than three nor more than five weeks after the first publication of the proposed by-law as herein provided for: Time and place of voting to be fixed by by-law.
- (4.) The Council shall, at least once a week for a month before the final passing of the proposed by-law, publish a copy thereof in some newspaper or newspapers published in the city: Publication of proposed by-law.
- (5.) Appended to each copy so published shall be a notice, signed by the Clerk of the Council, stating that such a copy is a true copy of the proposed by-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication in the newspaper, and naming the hour, day, and place, or places, fixed for taking the votes of the electors: Notice of by-law, polling, etc.
- (6.) At such day and hour a poll shall be taken, and the proceedings thereat, for the purposes thereof, including a recount, be conducted in the same manner, as nearly as may be, as at an election for Mayor and Aldermen: Poll, proceedings at.
- (7.) At any polling on any by-law, a voter before marking his ballot-paper, if so required by the Returning Officer on any election, shall state his or her occupation and residence to such officer, and shall, if required, take the following oath (or affirmation):— Returning Officer may require elector to state occupation, etc.

I, A. B., do swear [or affirm] that I am twenty-one years of age; Oath. that I am the person whose name is on the list of electors now shown to me; that I have not voted before at this election; that I have not received anything nor have I accepted any promise made to me, directly or indirectly, either to induce me to vote at this election or to indemnify me for loss of time, travelling expenses, or other services connected with this election; that I have not been guilty of any bribery or undue influence as defined by this Act, or any act of corruption, disqualifying me from voting at this election; and that I am properly qualified to vote at this election. So help me God.

Form of ballot-papers.

- (8.) The ballot-papers that shall be cast shall be printed "for the by-law" or "against the by-law," and shall be marked by the voter voting by a cross on the right-hand side thereof opposite the words "for the by-law" or "against the by-law," as he may desire to vote. Each Deputy Returning Officer for the various wards shall count the ballots and shall add up and verify the same, and make the return to the City Clerk as in the case of an ordinary election for Mayor and Aldermen:

Three-fifths majority required.

- (9.) Upon receiving the returns the City Clerk shall add up the votes, and if it shall appear from such returns that the votes cast for any such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost. 1911, c. 75, s. 4.

Clerk to declare by-law carried or lost.

If by-law rejected, similar by-law not to be submitted for six months.

104. If any by-law which requires the assent of the electors is rejected by them, no other by-law for the same purpose shall be submitted to the electors for the space of six months from the date of such rejection.

By-laws for contracting debts.

105. Subject to the provisions of Section 105A hereof, the Council may, under the formalities required by this Act, pass by-laws for contracting debts by borrowing money, or otherwise, and for levying rates for payment of such debts on the rateable property of the city for any purpose within the jurisdiction of the Council: Provided the aggregate of such debt shall not exceed twenty per cent. of the assessed value of the real estate of the said city computed on an average taken from the assessment roll for the two years antecedent to the creation of the debt, exclusive of such sum or sums as may be required to purchase or otherwise acquire the assets (or any part thereof) of any company operating a public utility in the City of Vancouver or vicinity under special Act of the Legislature of the Province of British Columbia or of the Dominion of Canada, under the provisions of section 125 in said Act contained; but no such by-law shall be valid which is not in accordance with the following restrictions and provisions:—

Terms of.

When to take effect.

To provide a special yearly rate for interest and sinking fund.

- (1.) The by-law shall name a day in the financial year in which the same is passed when the by-law shall take effect; and the whole of the debts and the obligations to be issued therefor shall be made payable in fifty years at furthest from the day on which such by-law takes effect:
- (2.) The by-law shall provide that an annual sum shall be raised and levied in each year by a special rate on all the rateable property in the city sufficient to pay interest on the debt during the currency of the debentures, and also a sum to be raised annually for the payment of the debt when due:

- (3.) The by-law shall recite: (1) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; (2) the amount of the whole rateable property of the city according to the last revised assessment roll; (3) the total amount of the existing debenture debt of the city, excepting any debenture debt incurred by the city under the provisions of the Act entitled the "False Creek Foreshore Act, 1904"; and how much (if any) of the principal or interest is in arrears. 1904, c. 62, s. 5; 1907, c. 61, s. 31; 1911, c. 75, s. 15; 1912, c. 59, s. 3.

Recitals in by-laws.

105A. From and during the years 1912 until and during the year 1919 the Council shall, save as hereinafter in this section set out, reserve and set aside its borrowing-powers provided by section 105 hereof as amended to the extent and in the manner following, that is to say: The Council shall not during any of the years 1912 to 1919, inclusive, contract debts by borrowing money, or otherwise, to any amount exceeding in the aggregate the amount hereunder set opposite such year, that is to say:—

Reservation of borrowing-powers.

In the year 1912. .\$. 500,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1912:

In the year 1913. .\$.1,000,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1913:

In the year 1914. .\$.1,500,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1914:

In the year 1915. .\$.2,000,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1915:

In the year 1916. .\$.2,500,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1916:

In the year 1917. .\$.3,000,000 less than the amount in the aggregate to which by section 105 hereof (as

amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1917:

In the year 1918. . \$3,500,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1918:

In the year 1919. . \$4,000,000 less than the amount in the aggregate to which by section 105 hereof (as amended prior to the passing of this section) the Council is empowered to so contract debts in said year 1919:

Provided, however, that, in case the city shall not on or before the eleventh day of August, 1918, have given notice to the British Columbia Electric Railway Company, Limited (pursuant to clause numbered 34 of the agreement dated October fourteenth, 1901, made by and between the city and the British Columbia Electric Railway Company, Limited), of the intention of the city to assume the ownership of the railway-lines and property of such company, and to exercise the rights and powers in such clause numbered 34 contained, then and in such case the Council shall, notwithstanding anything in this section contained, from and after the eleventh day of August, 1918, have the right to exercise all the borrowing-powers and powers of contracting debts in section 105 hereof (as amended prior to the passing of this section) contained. 1912, c. 59, s. 4.

By-laws for raising money not for ordinary expenses must receive assent of the electors.

When assent received, by-law cannot be altered, etc., and by-law binding on Corporation.

106. Every by-law for raising upon the credit of the city any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the city in the manner provided for in this Act; and when such assent is received, no such by-law shall be altered, amended or repealed by the Council except with the consent of the Lieutenant-Governor in Council, and every such by-law and the debentures issued thereunder shall be absolutely valid and binding upon the Corporation, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless upon application to some Court of competent jurisdiction made within one month after the passing of the third reading thereof.

Debentures, etc.

1907, c. 61, s. 32. (1.) Debentures issued by the Corporation may contain a provision in the following words:—

“This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the the Treasurer of the Corporation, be transferable, except

by entry by the Treasurer or his deputy in the debenture registry-book of the said Corporation at the City of Vancouver" (or to the like effect).

(2.) The Treasurer, on the issue of any debentures containing the provision in the last subsection mentioned, shall open and keep a debenture registry-book, in which he shall enter a copy of all certificates of ownership of debentures which he may give, and also every subsequent transfer of such debentures; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or his or their lawful attorney, which authority shall be retained and duly filed by the Treasurer.

(3.) After the certificate of ownership has been endorsed as aforesaid, the debentures shall only be transferable by entry by the Treasurer or his deputy in such debenture registry-book from time to time as transfers of such debentures are authorized by the then owner thereof, or his lawful attorney.

107. All debentures and other securities duly authorized to be executed on behalf of the Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation, and signed by the Mayor and countersigned by the Treasurer, or signed or countersigned respectively by some other person or persons authorized by by-law to sign or countersign the same, otherwise the same shall not be valid; the lithographed initials of the Mayor and Treasurer, or of some other person or persons authorized by by-law to initial the same, shall be affixed to all coupons attached to such debentures. Debentures, etc., how to be executed.

108. Any debentures issued under the formalities required by law of the Corporation, payable to bearer or to any person named therein or bearer, may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name. Transfer of debentures.

109. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par. Full amount recoverable, though negotiated below par.

110. In any case of passing a by-law for contracting a debt by borrowing money for any purpose, or otherwise as provided by this Act, such by-law may make the principal of such debt payable by annual instalments during the currency of the period (not exceeding fifty years) within which the debt is to be discharged; such instalments to be of such amounts that the aggregate amount payable, of principal and interest, in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period; and may issue the debentures of the Counsel may make principal repayable by equal annual instalments.

Requirements of
by-law.

Corporation for the amounts and payable at the times corresponding with such instalments, together with interest annually or semi-annually, as may be set forth and provided in such by-law. Such by-law shall specify the amount to be raised in each year during the period of the currency of the debt, which shall be sufficient to discharge the several instalments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable according to the terms of said by-law, and in cases within this section it shall not be necessary that any provision be made for the creation of a sinking fund.

When the rate
imposed by by-law
may be reduced by
by-law.

111. In case in any particular year one or more of the following sources of revenue, namely: (1) The sum raised by the special rate imposed for the payment of a debt and collected for any particular year; and (2) the sum on hand from previous years; and (3) any sum derived from such particular year from the surplus income of any work, or for any share or interest therein applicable to the sinking fund of the debt; and (4) any sum derived from the temporary investment of the sinking fund of the city, or any part of it, and carried to the credit of the special rate and sinking fund accounts respectively, amount to more than the annual sum required to be raised as a special rate to pay the interest and the instalment of the debt for the particular year and leave a surplus to the credit of such accounts or either of them, then the Council may pass a by-law reducing the total amount to be levied under the original by-law for the following year to a sum not less than the difference between such last-mentioned surplus and the annual sum which the original by-law named and required to be raised by special rate.

Recitals requisite in
such by-law.

112. Such a by-law shall not be valid unless it recites: (1) The amount required by the original by-law to be raised annually; (2) the balance of such amount for the particular year or on hand from former years; (3) the surplus income of the work, share or interest therein, received for such year; and (4) the amount derived for such year from any temporary investment of the sinking fund; nor unless the by-law names the reduced amount to be levied under the original by-law in such following year.

Reduced rate to be
named.

Anticipatory appro-
priation may be
made.

113. In case the Council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year in respect of any debt, the Council may do so by by-law in the manner and subject to the provisions and restrictions following:—

What funds may be
so appropriated.

(1.) The Council may carry on the credit of the sinking fund account of the debt as much as may be necessary for the purposes aforesaid: (a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory

appropriation is made; (b) and of any money raised for the purpose aforesaid, by additional rate or otherwise; (c) and of any money derived from any temporary investment of the sinking fund; (d) and of any surplus money derived from any Corporation work, or any share or interest therein; (e) and of any unappropriated money in the treasury; such moneys respectively not having been otherwise appropriated:

- (2.) The by-law making the appropriations shall distinguish the several sources of the amount and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year:
- (3.) In case the moneys so retained at the credit of the special rate account and appropriated to the sinking fund account from all or any of the sources above mentioned are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may then pass a by-law directing that the original amount for such next ensuing year be not levied.

The sources and application to be stated.

When moneys retained sufficient, the yearly rate may be suspended for the ensuing year.

114. Such by-law shall not be valid unless it recites—

- (1.) The original amount of the debt, and in brief and general terms the object for which the debt was created:
- (2.) The amount (if any) already paid off the debt:
- (3.) The annual amount of the sinking fund appropriation required in respect of such debt:
- (4.) The total amount then on hand of the sinking fund appropriation in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested:
- (5.) The amount required to meet the interest of the debt for the next year after the making of such anticipatory appropriations:
- (6.) That the Council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the Council has carried to the credit of the sinking fund account a sufficient sum to meet the sinking fund appropriation (naming the amount of it) for such year.

By-law must recite—

The original debt and object:

The amount paid:

The annual amount for sinking fund:

The amount for sinking fund in hand:

The amount required for interest:

And that it is reserved, etc.

115. The Council shall keep in its books two separate accounts, one for the special rate and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts with any others that are necessary, so as to exhibit at all times the state of every debt and the amount of money raised, obtained, and appropriated for payment thereof.

Two special accounts to be kept—
(1.) Of the special rates:
(2.) For the sinking fund or instalments of principal.

When surplus may be applied to next year's interest, and to sinking fund.

116. If after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal for any financial year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of next year's interest, the excess shall be carried to the credit of the sinking fund account or in payment of the principal of such debt.

Application of moneys with consent of Lieut.-Governor in Council.

117. The Lieutenant-Governor in Council may, upon proper cause being shown, order and direct that such part of the proceeds of the special rate levied and at the credit of the sinking fund account, or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same shall accrue, be applied to the payment or redemption, at such value as the Council can agree upon, of any part of such debt, or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order; and the Council shall thereupon apply, and continue to apply, such part of the proceeds of the special rate at the credit of the sinking fund or special rate accounts as directed by such order.

Council may apply other funds towards such debts.

118. The Council may appropriate to the payment of any debt the surplus income derived from any public or Corporation works, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by an additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt or in payment of any instalment accruing due.

Produce of special rate in respect of any debt may be invested.

119. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account or of the special rate account thereof, cannot be immediately applied towards paying the debt by reason of no part thereof being yet payable, the Finance Committee of the Council shall from time to time invest the same in Government securities, repurchases of city debentures, or in first mortgages on improved real estate held and used for farming purposes, and being the first lien on such real estate, or in repurchase of local improvement debentures of the city, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, and from time to time may reconvey and release mortgages and securities under the seal of the Corporation as such securities mature, and may reinvest in other like securities. No sum so invested in mortgages shall exceed one-half of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll at the time it is invested. All securities, mortgages, and moneys now vested in or held by the trustees appointed under section 170 of the "Vancouver

Securities in names of trustees to be vested in city.

Incorporation Act, 1886," on behalf of the City of Vancouver, are hereby declared to be vested in the said City of Vancouver, without any assignment or conveyance thereof, and shall be dealt with by the Finance Committee of the Council of the said city as hereinbefore provided for the investment of any moneys to the credit of the sinking fund accounts.

120. The Finance Committee of the Council of the city may regulate the manner in which such investments shall be made.

Regulation of such investments.

121. The Council may direct by by-law that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the city, and the Council may invest such sinking fund account in any of the securities named in and according to the provisions in that behalf.

Surplus moneys in hands of Treasurer, Council may deal with.

122. No member of the Council shall take part in, or in any way be a party to, the investment of the sinking fund otherwise than is authorized by this Act, or by any other law in that behalf made and provided, and such member so doing shall be held personally liable for any loss sustained by the city.

Member of Council shall not be party to investment of sinking fund otherwise than authorized by Act.

123. In the event of any real estate mortgaged to the city under the provisions of this section becoming vested in the city by virtue of a suit of foreclosure or by conveyance or sale, or in the event of the Finance Committee of the Council of the city deeming it advisable to exercise the power of sale in any such mortgage, it shall be lawful for the Council to convey, under the seal of the Corporation, and to vest any such real estate in a purchaser thereof, without passing a by-law authorizing such sale or submitting the same for the assent of the electors.

Power of Council to convey mortgaged property.

124. Notwithstanding anything now contained in the by-laws passed in pursuance of the powers contained in the preceding sections, it shall be lawful for the Council, by resolution at any time or from time to time, to provide for the issue of new debentures for the purchase of the whole or any portion of the debentures issued under any by-law as aforesaid, at such rate or rates of interest respectively, not greater than five per cent., as they may think fit, and to make the same and interest thereon payable at such place or places respectively as they may think fit, and to make and enter into any agreement or agreements with the purchaser or purchasers of the said debentures, or any of them, for the repurchase or redemption of them, or any of them, in such manner and upon such terms and conditions as may be agreed upon with any such purchaser or purchasers.

Power of Council to issue new debentures, etc.

Issue of inscribed
or registered stock.

124A. Wherever by the "Vancouver Incorporation Act, 1900," or amendments thereto, power is given to the Council to borrow or raise by the issue and sale of debentures or otherwise any sum or sums of money, it shall be lawful for the Council to raise the whole or any portion of such sum or sums of money in the form of inscribed or registered stock (hereinafter termed "stock"), which shall be a valid and binding charge upon the city. 1910, c. 79, s. 1.

Under by-law
approved by
majority of whole
Council.

124B. The authority given by the foregoing section shall be exercised by virtue and under the authority of a by-law which shall be approved of by the affirmative vote of at least an absolute majority of all members of the Council, and such by-law shall specify—

Contents of by-law.

- (1.) The purpose for which the loan is to be made:
- (2.) The term for which it is made:
- (3.) The rate of interest thereon, which shall not exceed five (5) per centum per annum:
- (4.) The arrangements for the provision for a sinking fund:
- (5.) The amount imposed for the purpose of paying interest and a sufficient sinking fund or annuity, as the case may be, to repay the capital at maturity:
- (6.) The particulars of the place or places of issue, of registration, of inscription, of transfer, and of the redemption of the capital at maturity:
- (7.) The form of security to be used, whether bonds or debentures or registered stock or inscribed stock, in sterling, or in currency, or otherwise.

Style of stock.

All such stock shall be styled "City of Vancouver Consolidated Stock." 1910, c. 79, s. 1.

124C. The Council shall have and may exercise the following powers, or any of them:—

Other securities
convertible into
stock.

- (1.) The Council may from time to time declare all or any of the debentures or other public securities issued or authorized to be issued by the City of Vancouver to be convertible into stock:

Issue of stock to
exchange for
debentures.

- (2.) The Council may authorize the issue of an equivalent amount of such stock in exchange for such debentures or other securities, and for debentures or other authorized securities, but not sold or disposed of:

To redeem outstand-
ing debentures.

- (3.) The Council may, on such conditions as it may determine, authorize the creation and issue of any stock for the purpose of redeeming any outstanding debentures or other securities, and of paying the expenses in connection with such redemption or the carrying-out of the provisions of this Act:

How conversion
into stock may be
effected.

- (4.) Any such conversion of debentures or other securities into stock may be effected either by arrangement with the

holders of such debentures or other securities or by the purchase thereof out of the moneys received by the sale of new stock, or partly in one way and partly in another. 1910, c. 79, s. 1.

124D. This Act shall not operate to authorize an increase in the authorized amount of any loan except in that case where stock is issued in exchange for debentures or other securities bearing a higher rate of interest than such stock; an additional amount of stock may be issued to make up the difference in the current saleable value between such debentures and stock. 1910, c. 79, s. 1.

Amounts for which stock may be issued.

124E. The Council may enter into an agreement with any bank, person, firm, or corporation in London, England, or elsewhere to provide for all or any of the following matters:—

Agreements with outside banks as to all matters connected with stocks.

- (1.) For the issue and inscription, registration of stock on register to be kept at such bank or with such person, firm, or corporation, or elsewhere:
- (2.) For effecting the conversion of debentures or other securities into stock and regulating the transfer of stock:
- (3.) For the issue of stock certificates and the signature of the same:
- (4.) For paying interest on stock or the capital sums represented thereby:
- (5.) For issuing stock certificates to bearer and as often as occasion shall arise reregistering or reinscribing the stock represented by such certificates:
- (6.) For receiving from time to time all moneys raised under this Act and for paying such moneys from time to time into the city's account with any bank duly appointed in the city in that behalf:
- (7.) For the issuing of allotment letters and provisional scrip certificates to represent moneys paid up on account of any stock, pending the issue of the final stock certificates:
- (8.) For the transfer of stock from one place of registry to another:
- (9.) Generally for conducting all business connected with the issue and service of the stock and the inscription, registration, and transfer thereof. 1910, c. 79, s. 1.

124F. Stock issued pursuant to the powers contained in this Act shall be valid and binding in the hands of a bona-fide purchaser, notwithstanding that any of the necessary formalities in connection with the issue thereof have not been complied with. 1910, c. 79, s. 1.

Stock binding on city notwithstanding informalities.

Powers of Council to pass By-laws.

125. The Council may from time to time pass, alter, and repeal by-laws—

Council may make by-laws.

For purchasing, etc., waterworks, gasworks, and electric-light works, and regulating conditions of supplying, etc.

- (1.) For purchasing, acquiring, constructing, and operating and maintaining any waterworks, gasworks, and electric-light works, whether the source of supply or the power required be situate within or without the limits of the city, and regulating the conditions and terms under which the same may be supplied or used, and any materials, plant, and building in connection with the same or appurtenant thereto, and for leasing and extending the same:

For acquiring, etc., street-railway, tramway, ferries, etc.

- (2.) For acquiring, by purchase or otherwise, any street-railway, electric railway, tramway, ferries, and material, buildings, plant used in connection therewith or appurtenant thereto, and for operating, constructing, and maintaining and leasing the same; and for acquiring by purchase any extension of the British Columbia Electric Railway Company's street-railway system to the Mountain View Cemetery and to the East Park, known as Hastings Park, or for constructing an extension of the said British Columbia Electric Railway Company's street-railway system to the Mountain View Cemetery and Hastings Park and leasing the same to the said Company: 1904, c. 62, s. 6, subsec. (a).

For acquiring extensions of British Columbia Electric Railway Company.

For constructing, etc., street-railway, electric railway, tramway, ferries, etc.

- (3.) For constructing, operating, maintaining, leasing a street-railway, electric railway, tramway, and ferries, and all buildings, material, and plant used in connection therewith or appurtenant thereto, and extending and leasing the same:

For constructing telephone system.

- (3a.) For acquiring, constructing, and operating and maintaining a municipal telephone system and all land, buildings, material, and plant used in connection therewith or appurtenant thereto, and extending the same:

Provided that a by-law for acquiring, constructing, and operating and maintaining a telephone system shall not be passed until the assent of the electors has been obtained in conformity with and in manner provided by the requirements of section 103 of this Act in respect of by-laws requiring the assent of the electors: 1910, c. 79, s. 2.

(4.) For supplying water and light to the citizens, persons, and corporations, whether resident or not within the City of Vancouver, and to any municipality adjacent to the City of Vancouver; and for the recovery of moneys due for water rates, or for the supply of water to consumers; for rates and for supply of light to consumers, and the enforcing of the payment of such moneys or rates by making the same a charge on the lands of the owners or tenants using the water or light, and enabling the same to be recovered in the same manner as overdue taxes: Provided that nothing in this subsection shall be held to impair or prejudice the

For supplying water and light, etc.

British Columbia Electric Railway Company, Limited, New Westminster and Burrard Inlet

rights now vested in the British Columbia Electric Railway Company, Limited, or the New Westminster and Burrard Inlet Telephone Company, or the Vancouver Gas Company, by any Statute in force or requirements under any agreement or agreements with the city: 1904, c. 62, s. 7.

- (5.) Provided that the Council shall not, with the exception hereinafter stated as to tramways upon unoccupied streets of the city, pass any by-law for the purpose of purchasing, acquiring, constructing, operating, or maintaining any works similar to those now carried on by the British Columbia Electric Railway Company, Limited, or the Vancouver Gas Company, or by virtue of which the city will become a competitor in the business carried on by such companies, or either of them, until the Council has, by by-law, fixed the price which they will offer for the property of the company or companies whose operations will be thereby interfered with, nor until thirty days have elapsed after such notice of such price shall have been communicated to such company or companies:
- (6.) Upon such by-law being passed and notice thereof given to the said company or companies, they may either accept or refuse the same, or give notice to the Council that they will require the purchase price of their property to be submitted to arbitration:
- (7.) In case the notice referred to in the preceding subsection be given by such company or companies, the price to be paid for such property shall be referred to the award of three arbitrators, one to be appointed by the parties giving the notice, one by the Council, and the third to be either agreed upon between the arbitrators appointed by the parties or to be named by a Judge of the Supreme Court of British Columbia, and thereupon the arbitrators shall proceed, and the provisions of the "Arbitration Act" shall apply to such arbitration in all matters not herein specifically provided for:
- (8.) In the event of the company or companies to whom such notice is given accepting the price fixed by the said by-law, or in the event of an award being made under the arbitration hereinbefore referred to, such price shall be paid or secured before any further proceedings are taken by the Council under the powers contained in the preceding seven subsections of this Act:
- (9.) If such company or companies refuse the price offered by the city, or if, at the expiration of thirty days from the time that notification of the price offered has been delivered, they fail to accept such price, or within the

Telephone Company,
Vancouver Gas
Company.

Council not to pass
by-law to purchase,
etc., works similar
to British Columbia
Electric Railway
Company, Limited,
or Vancouver Gas
Company, etc., until
price fixed by by-law
and submitted to
company.

Companies may
refuse or accept
price, or give notice
of arbitration.

If notice given,
price to be referred
to three arbitrators.

Appointment of
such arbitrators.

If company accept
price, Council shall
pay same before
further proceedings.

If company refuse
price, etc., Council
may proceed to
exercise powers, etc.

period aforesaid fail to give the notice requiring an arbitration as aforesaid, then the Council may proceed forthwith to exercise the powers conferred upon them by the first four of the preceding subsections to this section of this Act:

Provisions as to purchase not to affect Vancouver Gas Company if company charge, etc.

- (10.) The provisions as to purchase contained in the preceding subsections of this Act shall have no force or effect whatsoever in favour of the Vancouver Gas Company if the said company shall charge more than two dollars and fifty cents per thousand cubic feet for gas supplied by them, nor in favour of that part of the undertaking of the British Columbia Electric Railway Company, Limited, which pertains to the business of electric lighting, if the said company shall charge any citizen more than one cent per hour for sixteen-candle-power lamp for electricity supplied by the said company for lighting purposes; and in the event of such companies, or either of them, making charges in excess to the above rate, the Corporation shall have the right to construct, purchase, maintain, and operate gas or electric-light works, or both, and supply the inhabitants of the city therewith, without first offering a price for the works of any company charging such excessive rate as aforesaid:

Power of Council to enter into lighting of streets, etc., upon first acquiring, etc.

- (11.) Provided, however, that the Council may enter into the lighting of the public streets, highways, public places, and buildings with electric light at any time upon their first acquiring any boilers, engines, dynamos, poles, wires, and all other arc-lighting plant then being utilized in the lighting of the streets of the city by the said the British Columbia Electric Railway Company, Limited, the price to be paid for such plant, and the preliminary steps to be taken for the acquiring of the same, are to be the same as hereinbefore provided with reference to the compulsory purchase of the other portions of the undertaking company:

If city desirous of constructing street-railways on streets, etc., or lighting any portion of city not occupied, or lighted by British Columbia Electric Railway Company, Limited, Council shall give company option, etc.

- (12.) Provided also that in case the city should at any time hereafter be desirous of constructing street-railways or tramways on any one or more of the streets of the city not occupied by the tramways or street-railways, or lighting any portion of the city not lighted by the works of the British Columbia Electric Railway Company, Limited, the Council shall, before taking any other step in that direction, give to the said company the option of constructing such proposed street-railway or tramway upon such street or streets, or lighting such portion of the city, upon terms and conditions similar to those provided by the terms of section 25 of the agreement dated the eleventh day of February, 1889, and made between

the city and the Vancouver Street Railway Companies, Limited, which option shall be open to acceptance by the company for a period of thirty days after it has been communicated by the Council to the company; and if accepted by the company, then such company shall proceed with the construction and operation of the said street-railway or tramway on the said street or streets or the construction of the lighting-works within a reasonable time:

- (13.) If the company declines to accept said option referred to in the next preceding subsection, or if, after acceptance, the company fails to construct the said railway or lighting-works within a reasonable time, then the Council may pass a by-law authorizing the city to construct, equip, operate, and maintain the said railway or tramway or lighting-works on and over such street or streets; but no such by-law shall be acted upon by the Council until it shall have been submitted to and have been ratified by a similar vote of the ratepayers as is hereinbefore provided with respect to by-laws requiring the assent of the electors:
- (14.) In the event of the company refusing to construct any portion or portions of the lines hereinbefore specified, or such other street-railway as provided for herein, the city then in that case shall have the right to use a portion of the railway-track of the British Columbia Electric Railway Company, Limited, not to exceed two blocks, and shall pay therefor such annual sum or such proportion of cost of maintenance of such track as may be agreed upon by the city and the company; and in case they cannot agree, it may be awarded by arbitration as aforesaid. And in case the city shall refuse or fail to pay such annual sum, or such proportion of the cost of maintenance so awarded, as and when the same shall become due, then and in such case the city shall not have the right to use the track of the company while such sum shall remain unpaid:
- (15.) For authorizing any gas, water, telephone, electric light, district messenger, power, heating, tramway, street-railway company to lay down pipes, erect poles, string wires under or over the public streets, lanes, or squares, and to operate the business connected therewith for a period of years, subject to such regulations and such terms of payment for the privilege as the Council sees fit: Provided that no gas, water, telephone, electric light, district messenger, power, heating, tramway, street-railway company shall have any powers or right to lay down pipes, erect poles, string wires, or in any way interfere with the streets, lanes, and squares of the city, or operate any business in the city connected therewith, unless a by-law has been passed under the pro-

If company declines option, Council may pass by-law, etc., authorizing construction.

If company refuse to construct any portion of lines, city to have right to use portion of railway-track.

For authorizing gas, etc., company to lay down pipes, etc.

visions hereof granting permission to do so and containing the terms and regulations under which the same may be done and terms of payment to the city therefor: Provided further that no by-law shall hereafter be finally passed granting or bestowing any right, privilege, franchise, or permission for any of the purposes in this subsection set forth, or extending the time for which any such right, privilege, franchise, or permission has heretofore been granted or bestowed, unless and until such by-law has first been submitted to and received the assent of the electors of the city entitled to vote on money by-laws in manner provided by and under and in accordance with the provisions of section 103 of this Act as amended. 1912, c. 59, s. 5.

For contracting for supply of gas, etc.

- (16.) For the contracting for the supply of gas or electric lighting for streets and public purposes of whatever kind for a term of years not in the first instance exceeding ten years, and for renewing such contract from time to time for such period not exceeding ten years, as the Council may desire:

For compelling electric railway company to provide sufficient, etc., car accommodation.

- (17.) For compelling every electric railway company operating its railway in the city to provide proper and sufficient car accommodation for passengers and the public using the railway, and for limiting the number of passengers allowed to be carried in any one car at any one time:

Regulation and inspection of electric wires.

- (18.) To regulate and inspect and authorize the regulation and inspection of electric and other wires and electric lights and apparatus in the City of Vancouver other than the electric and other wires and electric lights and apparatus of companies now operating under special Acts of the Legislature, excepting only wiring for motors located in or on the premises of a customer of such company, and to levy charges for such inspection and regulation: 1907, c. 61, s. 2.

Elevators and lighting plants.

- (18a.) To regulate and inspect and authorize the regulation and inspection of freight and passenger elevators and gasolene plants and other plants and installations for lighting, otherwise than by electricity, the interiors of buildings, and to levy and collect charges for such inspection and regulation: 1912, c. 59, s. 6.

Sunday Observance.

Prevention of sales on Sundays.

- (19.) For the prevention of sales, or exposing for sale, or offering for sale, or the purchase of any goods, chattels, or other personal property whatsoever, excepting the selling of milk, drugs, or medicine, on Sundays, and for the closing of saloons, hotels, and stores and places of business

Closing saloons, etc.

during such hours, and on Sunday, as may be thought expedient:

- (20.) For prohibiting the keeping-open of barber-shops and laundries on Sunday and during such hours of each night as may be thought expedient: Closing
barber-shops.

Public Morals.

- (21.) For preventing the sale or gift of intoxicating drinks, cigarettes, or cigars to a child, or apprentice, or servant without the consent of the parent, master, or legal protector: Sale of liquor, etc.,
to children, etc.
- (22.) For preventing the posting of indecent placards, writings, or pictures, or the writing of indecent words, or the making of indecent pictures or drawings on walls or fences in streets or public places within the limits of the city: Posting of indecent
placards.
- (23.) For preventing the employment of boys under the age of eighteen years as messengers to or from houses of ill-fame, immoral resort, or disorderly houses: Preventing employ-
ment of boys as
messengers to houses
of ill-fame.
- (24.) For regulating the hours during which children under (to be fixed by the by-law) years may be on the streets without their parents or guardians: When children may
be on streets, etc.
- (25.) For preventing vice, drunkenness, profane swearing, obscene, blasphemous, or grossly insulting language, and other immorality and indecency: Public morals.
- (26.) For suppressing disorderly houses and houses of ill-fame: Disorderly houses.
- (27.) For preventing or regulating horse-racing and gambling: Horse-racing.
- (28.) For prohibiting and suppressing gambling-houses, and for seizing and destroying faro-banks, rouge et noir, roulette-tables, cards, dice, and other devices for gambling found therein, and for defining in such by-law what shall be meant by the terms gambling and gambling-houses, and the procedure to be adopted for the purpose of suppressing and prohibiting the same: Gambling-houses.
- (29.) For preventing or regulating exhibitions, bowling-alleys, and other places of amusement: Exhibitions, bowl-
ing-alleys, etc.
- (30.) For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway, or public place within the limits of the city: Vagrants and
beggars.
- (31.) For preventing indecent exposure of the person, or other indecent exhibitions: Indecent exposure
and exhibitions.
- (32.) For preventing or regulating the bathing or washing the person and the dress to be worn by bathers in any public water in or near the city: Bathing.
- (33.) For the inspection of public bathing-houses and boat-houses, or premises wholly or partly used for bathing or boat-house purposes: Bathing-houses,
boat-houses.

Public Health.

- Spread of diseases.
Regulating arrival
and departure of
boats, etc.
- (34.) For providing for the health of the city, and against the spread of contagious or infectious diseases, and for regulating, with a view of preventing the spread of infectious diseases, the entry or departure of boats or vessels at the port of Vancouver, and the landing of passengers or cargoes from such boats or vessels, or from railroad carriages or cars, and the receiving of passengers or cargoes on board of the same:
- No diseased fruit,
etc., to be landed.
- (34a.) For preventing the landing of any diseased fruit, meat, fish, or other deleterious matter from boats or vessels and from railroad carriages or cars, and for the infliction of penalties on any person, firm, or corporation landing or assisting in the landing of such diseased fruit, meat, fish, or other deleterious matter: 1906, c. 68, s. 7, subsec. (a).
- Duties of health officers and scavengers.
- (35.) For prescribing the duties of the health officers and scavengers, and for defining the limits within which each scavenger shall perform his duties:
- Scavenging system.
- (35a.) For the inauguration, equipment, construction, superintendence, maintenance, and regulation of a scavenging system for the city, including a crematory, and for defraying the cost of the maintenance thereof out of the general revenue of the city, or by a direct charge for scavenging and cremating work performed and for the fixing of such charges: 1906, c. 68, s. 7, subsec. (a).
- Dwelling-houses,
lodging-houses, etc.
- (36.) For regulating the construction of dwelling-houses and lodging-houses, and for fixing, and from time to time varying, the number of persons who may occupy or be received in such dwelling-houses or lodging-houses:
- How many persons
may occupy.
- (37.) For promoting cleanliness and ventilation in such houses:
- Cleanliness and
ventilation.
Sanitation.
- (38.) For the well-ordering of such houses, and for prescribing generally the sanitary conditions and requirements which shall be observed and complied with by persons letting or occupying dwelling or lodging houses:
- Dwelling-rooms.
- (39.) For regulating the size of dwelling-rooms, and defining for the purposes of the regulations what a dwelling-room shall consist of, and the number of persons who may dwell therein: 1904, c. 62, s. 6, subsec. (d).
- Laundries.
- (40.) For prohibiting or regulating the construction or use of buildings for laundries, and for ordering the removal of laundries from any particular locality when, in the opinion of the Council, such laundries are a nuisance or eyesore to such locality, and for limiting the localities in the city where any laundries may be carried on, and for regulating and preventing the washing, drying, and airing of clothes, linen, or other materials of the like nature, in the open air

in any part of the city, within sixty feet of any street or highway, and for compelling the removal of all wooden and other structures now erected, and for regulating and preventing the erection or construction of all wooden and other structures or erections on the outside of any building, or on any lot or piece of ground in any part of the city within sixty feet of any street or highway, for the purpose of, or that may be used for the washing, drying, or airing in the open air of, any clothes, linen, or other materials of the like nature: 1904, c. 62, s. 6, subsec. (c).

- (41.) For regulating or preventing the encumbering, injuring, or fouling, by animals, vehicles, vessels, or other means, of any public wharf, sewer, shore, river, or water, or any road, street, square, alley, lane, bridge, or other communication: Fouling of wharves, sewers, rivers, etc.
- (42.) For establishing, protecting, regulating, and cleansing public and private wells, reservoirs, and other public and private conveniences for the supply of water, and for closing public and private wells, and preventing the fouling of same: Wells and reservoirs.
- (42a.) For erecting, constructing, building, establishing, protecting, regulating, and cleansing public closets, urinals, and sanitary conveniences either underground or elsewhere within the city: 1911, c. 75, s. 5. For establishing public conveniences, etc.
- (43.) For the construction, superintendence, maintenance, and regulation of drainage and sewerage works, and all connections therewith, and for arranging and settling with any owner or owners of real property the terms and conditions under which the sewer, and all connections therewith, may be constructed or laid through his or their land; and to construct and lay under such land as the Council may deem necessary drains or sewers, and all connections therewith: Provided always that the power to lay and construct in this subsection is only conferred, and can only be exercised by the Council, in the event of there not being a street or road allowance in the vicinity which the Council can use for the purpose of constructing or laying such drain or sewer: Drainage and sewerage works.
- (44.) For the charging all persons who own or occupy property, or any lots, whether vacant or otherwise, which is capable of being drained (whether the same is drained into a sewer or not) into a common sewer or drain, or which by any by-law of the Council is required to be drained into such sewer or drain, with a reasonable rent for such sewer or drain, and for regulating the time or times and manner in which the same is to be paid, and for providing for the recovery thereof from the owner or occupier in the same Charging persons owning or occupying property, whether vacant or otherwise, with rent for sewer

manner and under the same regulations as in the case of overdue taxes: 1904, c. 62, s. 6, subsec. (e).

Charging persons
owning or occupying
property, whether
vacant or otherwise,
with rent for
water-mains, etc.

- (45.) For the charging of all persons who own or occupy property, whether vacant or otherwise, with a reasonable rent for the use of any water-main, drains, sewers, or pipes, and for assessing the property adjacent to any water-main, drains, sewers, or pipes with a reasonable proportion of the cost of the whole waterworks system of the city and on the sewerage system of the city of the supplying of water or sewers to or for the use of the inhabitants, calculated on the basis of the frontage of the property, whether the water from such main or pipes is used on the property or not; and for assessing the owners of property fronting on any road, street, or lane with the cost of watering the said road, street, or lane, and for making such assessment a charge on the property so fronting: 1904, c. 62, s. 6, subsec. (f).

- (45a.) For the installation of connections from the main sewers to the street-lines, and for the charging of all persons owning or occupying property to be benefited thereby with the cost thereof on connection being made with said sewers, and for regulating the time and times and manner in which the same is to be paid, and for providing for the recovery thereof from the owner or occupier in the same manner and under the same regulations as in the case of overdue taxes: 1906, c. 68, s. 7, subsec. (b).

Cows, goats, etc.

- (46.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept:

Poultry.

- (46a.) For preventing and regulating the keeping of live poultry in the city, and defining the limits within which and the places where the same may be kept: 1910, c. 79, s. 3.

Horses.

- (47.) For regulating the keeping of horses, and defining the structure, materials, and class of buildings in which horses may be kept:

Livery-stables.

- (47a.) For defining areas, districts, or localities within the limits of which no livery-stable, sale or boarding stable, or stable in which horses are to be kept for hire or for express purposes shall be established or maintained: 1910, c. 79, s. 4.

Nuisances.

- (48.) The Council may, by resolution or by by-law, declare any building, structure, or erection of any kind whatsoever, or any drain, ditch, watercourse, pond, surface water, or any other matter or thing in or upon any private lands, street, or road, or in or about any building or structure, a nuisance and dangerous to the public safety or health, and may, by such by-law or resolution, as may be directed therein,

order that the same shall be removed, pulled down, filled up, or otherwise dealt with by the owner, agent, lessee, or occupier thereof, as the Council may determine, and publication of such order for a period of five days in any daily newspaper published in the city shall be good and sufficient service of such order upon such owner, agent, lessee, or occupant; and the Council may by such by-law or resolution order that, in case of default by the owner, agent, lessee, or occupier to comply with such order within such period of five days, such removal, pulling-down, filling-up, or other dealing with the same shall be done by any officer of the Corporation at the cost of such owner, and payment of such cost and all expenses incidental thereto may be enforced against the owner thereof by such officer in an action in any Court of competent jurisdiction: 1910, c. 79, s. 5; 1912, c. 59, s. 7.

- (49.) When in the opinion of the Council it is necessary for the prevention of the spread of any contagious or infectious disease, the Council may, by by-law or resolution, direct that any buildings, tenements, clothing, or personal chattels shall be immediately destroyed by the owner thereof; and in case of default of such owner to comply with such order, the said buildings, tenements, clothing, or personal chattels shall be destroyed by an officer appointed by the Council of the Corporation for that purpose:
- (50.) For compelling the owner, lessees, and occupants of real property within any defined area to fill up or close any wells, cellar excavations, water-closets, privies, privy-vaults, or cesspools, the continuation of which may, in the judgment of the Health Officer, be dangerous to health:
- (51.) To regulate, clean, repair, amend, alter, widen, deepen, contract, straighten, divert, or discontinue the drains and sewers and all natural watercourses in the said city, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury; and also to determine the course of all watercourses passing through private property in the said city, and to regulate all matters concerning the same, whether the said watercourse be covered or not:
- (52.) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up, and putting down drains, sewers, watercourses, roads, streets, bridges, squares, alleys, lanes, or other public communications within the jurisdiction of the Council, and for entering upon, breaking up, taking, or using any land in any way necessary or convenient for the said purposes, and for conducting the drains and sewers beyond the limits of

Power to destroy buildings, etc., to prevent spread of disease.

Compelling owners, etc., to close wells, etc.

Cleaning of sewers, etc.

Opening, making, etc., of drains, sewers, roads, alleys, etc.

said city for fertilizing purposes, or into the waters of English Bay or Burrard Inlet, as is found practicable; and for entering upon, breaking up, taking, or using any land in any way necessary or convenient for the said purpose, and repairing and maintaining all bridges: 1909, c. 63, s. 3.

Compelling connections with public sewer, water-main, etc.

- (53.) For compelling owners and lessees of property to connect the same with any public sewer or drain or waterworks system owned or constructed by the city, and for compelling or regulating the filling-up, draining, clearing, altering, relaying, and repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools, and privies; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools, and privies are situate, with costs thereof if done by the Council in their default; and for removing and depositing the refuse, manure, rubbish, and other matter to such place or places as the Council may determine, which may be taken from any of the places aforesaid:

Further powers for regulating sewerage, etc.

- (54.) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes, including the closing and preventing the further use of cesspools on or near all streets where sewers are built:

Inspectors and inspection of meat, milk, bread, etc.

- (55.) For the appointing of inspectors and for the providing for the inspection of meat, milk, bread, poultry, game, fruit, fish, and other natural products offered for sale for human food or drink, whether on the streets, public places, or shops:

Bread.

- (56.) For regulating the weight of bread, and preventing the use of deleterious materials in making bread, and for providing for the seizure and forfeiture of bread made contrary to the by-law:

Tainted poultry, fish, etc.

- (57.) For seizing and destroying all tainted and unwholesome milk, meat, poultry, fish, fruit, or other articles of food, and for the cremation or other disposal thereof at the cost and charges of the owner or party in possession of the same; said costs and charges to be fixed by the city: 1906, c. 68, s. 7, subsec. (c); 1907, c. 61, s. 3.

Inspection and prevention of sale of all cattle, animals, etc.

- (58.) For providing for the inspection of and preventing the sale of all cattle, animals, meat, poultry, fish, and vegetables offered or exposed for sale:

Milk.

- (59.) For preventing the sale of adulterated milk, cream, butter, and other articles of food, and for the seizure and forfeiture thereof, and for inspecting all milk, cream, butter, and other articles of food offered or exposed for sale: 1906, c. 68, s. 7, subsec. (d).

- (59a.) For regulating and governing the keeping and sale of and for inspecting foodstuffs and articles of food of all kinds and milk and cream, and the places wherein any such foodstuffs and articles of food and milk and cream are kept or sold: 1911, c. 75, s. 6. Foodstuffs, milk, and cream.
- (60.) [1906, c. 68, s. 7, subsec (c). *Repealed, 1912, c. 59, s. 11.*] Burial of dead.
- (61.) For providing for the appointment or election of three Commissioners to manage and control the cemetery or burial-grounds of the city: Cemetery.
- (62.) For providing for the appointment or election of Commissioners, not exceeding fifteen in number, for the control and management of the City Hospital, and for defining the duties of such Commissioners: Hospital.

Markets.

- (63.) For establishing markets and stockyards, and for regulating the same: Market.
- (64.) For preventing and regulating the buying and selling of all articles or animals exposed for sale on the public market or in the open air: Buying and selling.
- (65.) For selling, after six hours' notice, butchers' meat, fruit, fish, or other perishable articles distrained for rent of market stalls: Selling articles distrained for rent.
- (66.) For preventing or regulating criers and vendors of any meat, vegetables, grain, hay, fruit, beverages, fish, poultry, eggs, butter, cheese, straw, cordwood, shingles, timber, coal, flour, lumber, milk, and small ware from practising their calling in any of the public markets, public sheds, and vacant lots, and the streets and lanes in the city adjacent to the market: Peddling in market, etc.
- (67.) For granting annually, or oftener, licences for the sale of fresh meat in quantities less than by the quarter-carass, and for regulating such sale, and fixing and regulating the places where such places shall be allowed, and for imposing a licence, not exceeding fifty dollars to be paid for such licence, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than the quarter-carass, unless by a person holding a valid licence and in a place authorized by the Council: Licences to sell meat.
- (68.) For preventing the forestalling, regrating, or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, and provisions of all kinds: Forestalling, regrating, monopoly of grains, etc.
- (69.) For preventing and regulating the purchase of such things by hucksters and runners within the city: Hucksters or runners.
- (70.) For establishing and regulating a public weighing scale or scales and for imposing a reasonable fee therefor, and to compel the vendors of all goods sold by the load within a

quarter of a mile of any city weigh-scales to have the same weighed thereon: 1906, c. 68, s. 7, subsec. (f).

Regulation of weighing of coal, etc.

- (70a.) For regulating and compelling the weighing of coal and the measuring of wood or other fuel sold and delivered in the city: 1909, c. 63, s. 4.

Market and market-places.

- (71.) For changing the site of any market-place within the city, or to abolish any market or markets now in existence or hereafter to be in existence in the city, and to appropriate the site or sites thereof, or any part or parts thereof, for any public purpose whatsoever, and to establish new markets:

Market clerks.

- (72.) For determining and regulating the powers and duties of the market clerks and all other persons employed by the the city in and about the said markets:

Rents for stalls.

- (73.) For imposing, regulating, and fixing the rates to be paid by any person or persons selling or retailing any article of food in or at any of the markets in the city, and for regulating the conduct of all persons buying or selling in or at any of the said markets:

Vehicles in markets.

- (74.) For regulating all vehicles of any kind in which any articles shall be exposed for sale in any public market or in any street or public place or square within the city:

Abattoirs.

- (75.) For designating or specifying such place or places within the city for, or for preventing and prohibiting within the city limits, the slaughter of cattle, sheep, lambs, hogs, and other animals usually used for food:

Light weight, etc.

- (76.) For imposing penalties for light weight or short count or short measurement in anything vended, and for providing for the seizure and forfeiture of articles sold of light weight, short count, or short measurement:

Removal of snow, ice, and dirt.

- (77.) For compelling persons to remove snow, ice, and dirt from the roofs of the premises owned or occupied by them, and also to remove the same from the sidewalks, street, alley, or in front of such premises, and for removing the same at the expense of the owner or occupant in case of his default:

Streets, Highways, and Bridges.

Assessment for watering and sweeping streets.

- (78.) For assessing land fronting on or the citizens residing in any particular street, lane, square, or section of the city, in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square, or section of the city: Provided, that no less than two-thirds of said citizens residing as aforesaid in said street, lane, square, or section shall have first prayed or demanded to have the same swept or watered:

Grass plots and boulevards.

- (78a.) For setting apart such portion of any street, lane, square, or other public place, as the Council may from time to

time by resolution determine, as boulevards or grass plots, and for constructing, maintaining, sodding, planting (either with grass, trees, shrubs, or plants), caring for, and keeping in good order, repair, and condition by the Park Board such boulevards or grass plots as and when the Council shall by resolution direct, and for assessing and charging, by resolution of the Council, the land fronting on any such street, lane, square, or public place and the owners or occupiers of such land with the payment of any and all sums necessary to meet the cost and expenses of the constructing, maintaining, sodding, planting, caring for, and keeping in good order, repair, and condition such boulevards or grass plots in front of such land (but not to any greater extent than ten cents a year for each front foot of such land), in like manner and with the same powers of recovery and of sale of land as in the case of ordinary taxes upon lands: Provided that none of the provisions of this Act and amending Acts relating to local improvements shall apply to the aforesaid works of construction, maintenance, sodding, planting, caring for, and keeping in good order, repair, and condition grass plots and boulevards, which works shall be performed and carried out by the Park Board: 1909, c. 68, s. 7, subsec. (g); 1913, c. 96, s. 4.

- (79.) For numbering the houses and lots along the streets of the city, and affixing the numbers to the houses, buildings, or other erections along the said streets, and for charging the owners of each house or lot with the expenses incident to the numbering of the same: Numbering houses and lots, etc.
- (80.) For keeping a record of the streets and numbers of the houses and lots numbered thereon, respectively, and entering thereon a division of the streets with boundaries and distances for public inspection: Recording streets, houses, etc.
- (81.) For surveying, settling, and marking the boundary-line of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof on either public or private property; and no by-law for altering the name of any street, square, road, lane, or other public communication shall have force or effect unless and until the by-law has been registered in the Land Registry Office in the City of Vancouver: Surveying street and boundary lines.
- (82.) To regulate the width of new streets and roads, and for preventing the laying-out or construction of streets and lanes, unless in conformity with existing streets, roads, or lanes, without the consent of the Council first obtained: Width of new streets, etc.
- (83.) For regulating the plans, level, width, surface, inclination, and the material of the pavement, roadway, and sidewalk of streets and roads: Plans, level, width, etc., of pavement, etc.

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| Grade. | (84.) For establishing a general grade for the streets, lanes, and roads in the city : |
| Land and bench marks. | (85.) For establishing and maintaining land and bench marks in the city : |
| Traffic.
Width of tires. | (86.) For regulating the conveyance of traffic in the public streets, and the width of all tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares, or merchandise, and for prohibiting heavy traffic and the driving of cattle, sheep, pigs, and other animals on and along certain public streets and places, and during the hours named in the by-law : |
| Reckless driving, etc. | (87.) For preventing immoderate and reckless driving in highways or streets; for preventing the leading, riding, or driving of horses and cattle upon sidewalks or other places not proper therefor; or for preventing horses or mules in harness, during the winter season, being driven without bells; and for preventing horses or other animals being left at large or standing on any of the streets of the city without being sufficiently secured to prevent them running away : |
| Sleigh-bells. | |
| Roads, streets, and bridges. | (88.) For regulating roads and streets, public bridges, and driving and riding thereon : |
| Door-steps, porches, etc. | (89.) For preventing or regulating the erection of and directing and requiring at any time the removal of any door-steps, porches, railings, signboards, or projections into or obstructions in any public street or public highway in the city, at the expense of the proprietor or proprietors; and to regulate and control railway companies within the said city, and to enforce the construction and management of gates, culverts, and cattle-guards on the line of the said railways at the crossing of any street or streets in the said city, and to enforce the opening and continuation of any street or streets across the line of any railway-track : |
| Regulation of signs and signboards. | (89a.) For charging an annual fee for the erection and continuance of signs, signboards, or other projections over public highways, lanes, or other property, and to regulate the same, and to prohibit the erection or continuance of any sign, signboard, or other projection over such property contrary to any regulations passed by the city, and to order the destruction of such signs as do not conform to the said regulations or to which the annual fee has not been paid: 1907, c. 61, s. 4. |
| Shade-trees. | (90.) For preventing the injury or destroying of trees planted or preserved for shade or ornament, or boulevards constructed with the authority of the Council, and for encouraging the planting and construction of the same : |

- (91.) For preventing the pulling-down or defacing of signboards and posters, and of printed or written notices lawfully affixed: Signboards, posters, etc.
- (92.) For compelling the removal of all existing verandahs erected on or projecting over any sidewalk within the city, and for prohibiting and preventing the erection of any verandah: Verandahs.
- (93.) For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish on any road, lane, street, or highway in the city, or on the foreshore of its harbours: 1906, c. 68, s. 7, subsec. (h). Throwing dirt, etc., on the streets.
- (94.) For the removal of any obstruction of whatsoever nature or kind in any of the public squares, streets, or places within the said city, and at the cost of the city or of the parties causing the obstruction: Obstruction on streets.
- (95.) For setting apart so much of any highway, road, or street as the Council deems necessary for the purposes of a bicycle-path, and for inflicting penalties upon any person who rides or drives a horse or other beast of burden, or drives cattle or other animals, or a wagon, cart, or carriage over or along such bicycle-path: Bicycle-paths.
- (96.) For regulating or prohibiting the sale or peddlery of fruits, nuts, cakes, refreshments, bread, jewellery, and merchandise of all kinds in and upon or along the streets, sidewalks, alleys, lanes, and public squares of the city: Sale or peddlery of fruits, nuts, etc.
- (97.) For permitting and regulating areas, cellars, or openings constructed, or to be constructed, in or under sidewalks and streets, and for making an annual charge for such privilege and for the use of such areas, cellars, or openings, and for enforcing the payment of such sums in like manner as municipal taxes; for providing an indemnity to the city against any claim, loss, or damage which may be occasioned by reason of the construction, existence, or use of any such area, cellar, or opening, and for making the amount of any loss or damage occasioned to the city thereby a first lien or charge on the lands abutting such area, cellar, or opening: Areas, cellars, or openings.

REGULATION OF TRADE LICENCES.

Auctioneers.

- (98.) For licensing, regulating, and governing auctioneers and other persons selling, or putting up for sale, goods, wares, merchandise, effects, or real estate by public auction, and for prohibiting the granting of such licence to any applicant who is not of good character, or whose premises are not suitable for the business, or upon the residential or other streets in which, in the opinion of the Council, it

is not desirable that the business of auctioneer should be carried on, such disqualifications to be determined by such means as the by-law provides, and for determining the time such licence shall be in force:

Licensing real-estate dealer.

- (98a.) For licensing, regulating, and governing any person, firm, or corporation carrying on the business of a real-estate dealer: 1907, c. 61, s. 5.

Bagatelle and Billiard Tables.

Billiard and bagatelle tables.

- (99.) For licensing, regulating and governing all persons who for hire or gain, directly or indirectly, keep or have in their possession or on their premises any billiard, pool, or bagatelle table, or who keep or have a pool, billiard, or bagatelle table in a house or place of public entertainment or resort, whether such pool, billiard, or bagatelle table is used or not:

Bankers.

- (100.) For licensing any person carrying on, on his own account, the business of a banker at one place of business:

Bicycles.

Bicycles.

- (101.) For imposing an annual tax, not exceeding two dollars, on all bicycles in the city; such tax to be applied in the construction and maintenance of bicycle-paths within the city:

Bill-posters.

Bill-posters.

- (102.) For prohibiting or licensing, regulating and governing, and defining bill-posters and bill-posting, and for determining the time during which such licences shall be in force:

Chimney-sweeps.

Chimney-sweeps.

- (103.) For regulating and licensing chimney-sweeps:

Exhibitions, Places of Amusement, etc.

Exhibitions, places of amusement.

- (104.) For preventing or regulating and licensing exhibitions of common showmen, waxworks, menageries, circus, hippodromes, boxing, sparring, theatrical exhibitions, the exhibitions of any natural or artificial curiosities, and shows of every kind, and for regulating and licensing buildings used as theatres and for exhibitions of any kind, skating-rinks, and other places of like amusement, and for regulating and licensing persons, firms, and corporations owning, keeping, or maintaining any such exhibitions of common showmen, waxworks, menageries, circus, hippodrome, boxing, sparring, theatrical exhibitions, exhibitions of any natural or artificial curiosities, and shows of any kind, and buildings, skating-rinks, and other places of like amusement; for the purpose of this section any one

who appears, acts, or behaves as master or mistress or as the person having the care, government, or management of any such show, exhibition, or performance shall be deemed the owner thereof and liable hereunder: 1912, c. 59, s. 8.

- (105.) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling-alleys, rifle-galleries, and other places of amusement, and for revoking or cancelling the said licences at any time during the currency thereof in case of non-compliance with the conditions on which they were issued:

Bowling-alleys, rifle-galleries, etc.

Dogs.

- (106.) For imposing a tax on the owners, possessors, or harbourers of dogs, and regulating the keeping of dogs:

Dogs.

Express, Gas, Electric Light, Railway, Investment, and Loan Companies.

- (107.) For licensing every express company, gas company, telephone company, electric light company, street-railway or tramway company, investment and loan societies, not exceeding one hundred dollars per annum:

Licensing express, gas, telephone, and other companies.

Ferries.

- (108.) For licensing and regulating ferries, and establishing the rate of ferriage to be taken thereon:

Ferries.

Gunpowder.

- (109.) For prohibiting or regulating and granting licences for carrying on the business of storing of gunpowder or other explosive substances in quantities more than twenty-five pounds:

Gunpowder.

Hawkers.

- (110.) For licensing, regulating, and governing hawkers, pedlars, or petty-chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a licence for exercising such calling within the city, and the time for which the licence shall be in force; the word "hawkers" in this section shall include all persons who, being agents for persons not resident within the city, sell or offer for sale tea, dry-goods, clothing, watches, plated, silver, or other ware, furniture, carpets, upholstery, millinery, or jewellery, or carry and

Hawkers.

expose sample or patterns of any such goods to be afterwards delivered within the city to any person not being a wholesale or retail dealer in such goods, wares, or merchandise, or carry and expose samples or patterns, or quote prices for the purpose of selling any goods to be afterwards delivered within the city to any person :

- Transient traders. (111.) For licensing, regulating, and governing transient traders and their agents who occupy premises or trade in the city for temporary periods, and whose names have not been duly entered on the assessment roll for property of the assessed value of two thousand dollars for the then current year :

Insurance Companies.

- (112.) [*Repealed, 1911, c. 75, s. 7.*]
 Trading-stamp companies. (113.) For licensing trading-stamp companies, bonus and discount companies, and for taxing persons, corporations, and firms using such trading-stamps :

Intelligence Offices.

- Intelligence offices. (114.) For licensing suitable persons to keep intelligence offices for registering the names and residences of, and giving information to, or procuring labourers, workmen, clerks, or other employees for employers in want of the same, and for registering the names and residences of, and giving information to, or procuring employment for, domestic servants and other labourers, and any other class of servant, workman, clerk, or person desiring employment, and for fixing the fees to be received by the keepers of such offices :
- Regulating of. (115.) For the regulating of such intelligence offices :
 Licence. (116.) For limiting the duration of or revoking any such licence :
 Licence necessary. (117.) For prohibiting the opening or keeping of any such intelligence office within the city without licence :
- Licensing baths, etc. (117a.) For the licensing and regulating of bath and massage parlors and establishments, and persons, firms, and corporations owning, maintaining, conducting, or carrying on same : 1912, c. 59, s. 9.

Junk-shops.

- Junk-shops. (118.) For licensing and regulating second-hand stores, junk stores or shops, and persons, firms, or corporations, owning, keeping, or maintaining such stores or shops, and fixing the sum to be paid for such licence, and for determining the duration of or revoking any such licence, and for prohibiting the granting of such licence to any applicant who is not, in the opinion of the Council, a fit and proper person to receive such licence : 1912, c. 59, s. 10.

Liquor Licences.

- (119.) For determining a fee or duty upon every licence for Liquor licences. the sale, within the City of Vancouver, of spirituous, fermented, or other intoxicating liquors, to be paid to the Corporation for purposes of municipal revenue:

Lodging-houses.

- (120.) For licensing, prohibiting, and regulating lodging-houses, Lodging-houses. and the keepers of such houses, and for defining the same, but so that no such by-law shall permit to be let or occupied as a dwelling any room unless the following requirements shall be complied with, that is to say: (1) Unless such room contains, at all times, at least three hundred and eighty-four cubic feet of space for each person occupying the same; (2) unless such room has a window made to open at least two feet square: 1910, c. 79, s. 6.
- (120a.) For licensing, regulating, and governing all persons who For regulating persons undertaking for hire to keep infants. undertake for hire or reward to nurse and maintain an infant or infants under the age of seven (7) years apart from its parents, or an orphan or orphans under that age, and to provide for the proper inspection of all places where such infants or orphans are so nursed or maintained: 1910, c. 79, s. 7.

Milk and Foodstuff Dealers.

- (121.) For licensing, governing, and regulating all persons, firms, Milk and food-stuff dealers. and corporations selling or dealing in fish or fruit, milk or cream by retail: 1911, c. 75, s. 8.

Opium.

- (122.) For prohibiting or licensing and regulating the sale of Opium. opium, except where same is sold in the preparation of prescriptions of duly qualified medical practitioners, by chemists and druggists: 1906, c. 68, s. 7, subsec. (i).

Pawnbrokers.

- (123.) For licensing, regulating, and governing pawnbrokers or Pawnbrokers. dealers in second-hand goods, wares, and merchandise in the city:

Plumbers.

- (124.) For licensing and regulating plumbers, and providing for Plumbers. a Board of Examiners of and the granting of certificates of efficiency to plumbers, and to prohibit plumbing by persons not possessing such certificates or carrying on their business contrary to the by-law:

Runners.

- Runners. (125.) For preventing persons in streets or public places from importuning others to travel in or employ any vehicle, or go to any tavern, hotel, or boarding-house, or for regulating persons so employed:
- Licensing and regulating restaurants. (125a.) For licensing and regulating restaurants and eating-houses, and for providing for the proper sanitary arrangements therein and preventing the preparation or keeping of food in unsanitary parts of such restaurants or eating-houses: 1907, c. 61, s. 6; 1910, c. 79, s. 19.

Scavengers.

- Scavengers. (126.) For regulating and licensing scavengers:

Stevedores.

- Stevedores. (127.) For licensing every person who carries on the occupation of a stevedore, or who takes contracts to load and unload ships within the city:
- Laundries. (127a.) For licensing laundries: 1904, c. 62, s. 6, subsec. (b).
- Tobacco. (127b.) For licensing the sellers of tobacco, cigars, and cigarettes: 1904, c. 62, s. 6, subsec. (b).

Traders (Wholesale and Retail).

- Traders. (128.) For regulating and licensing any person carrying on a business of a wholesaler, or of a retail, or wholesale and retail merchant and trader:

Vehicles and Livery Stables.

- Vehicles and livery-stables. (129.) For regulating and licensing teamsters, carters and draymen, and regulating the charges for the conveyance of goods or for other services:
- Owners and drivers of stage-coaches, livery, etc. (130.) For regulating and licensing the owners and drivers of stage-coaches, livery, feed, and sale stables, and of horses, drays, express wagons, carts, cabs, carriages, omnibuses, automobiles, and other vehicles used for hire; for establishing the rates of fare to be taken, and for enforcing the payment thereof; and for authorizing and assigning stands for vehicles kept for hire on the public streets and places; and for authorizing the erection and maintenance of covered stands or booths on the streets, highways, and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting, or adjoining such stand or both: 1909, c. 63, s. 5.

- (131.) For fixing the fee to be paid for every licence required under by-laws passed under this section; for revoking any licence so granted whenever the Council deems such revocation desirable, without stating any reason therefor; but in case of the revocation of a licence under any such by-law, the Treasurer of the city shall refund to the licensee such proportionate part of the licence fee as will represent the unexpired portion of the term for which the licence was granted, unless such revocation is occasioned by a breach of the law having been made by the licensee: Provided that all licences are to be granted so as to terminate on the first day of July or the first day of January in each and every year, and no proportionate reduction shall be made on account of any person commencing business: 1910, c. 79, s. 8; 1913, c. 96, s. 9.
- (132.) The granting or refusing a licence to any person to carry on a particular trade, calling, business, or occupation under any of the powers herein contained shall be deemed to be in the discretion of the Council, and the Council shall not be bound to state any reason for the granting or refusing any such licence: 1913, c. 96, s. 10.
- (133.) For the appointment of a Licensing Inspector and defining his powers and duties: Licensing Inspector.

Fee for such licence, and revocation of licence.

Granting of licence in discretion of Council.

Licensing Inspector.

Lands, Erection of Buildings, and Prevention of Fires.

- (134.) For the appointment of a Building Inspector and defining his powers and duties: Building Inspector.
- (134b.) For prohibiting, licensing, and regulating tents, and the erection and construction thereof, in the city and in any parts or areas of the city: 1913, c. 96, s. 5.
- (135.) For regulating the erection of buildings and of any addition or alteration thereto, and the distance of such buildings from the centre of the street; prohibiting the erection of wooden buildings and wooden fences; and prohibiting and regulating signs, billboards, and hoardings of any kind and the erection and construction thereof; and regulating scaffolding and the erection and construction thereof; and also for prohibiting the erection or placing of buildings, other than with main or partition walls of brick or iron or stone, and roofing of incombustible materials, within specified parts of the city, and for prohibiting and regulating the erection of buildings within such specified areas having partitions, internal arrangements, construction, or material other than specified in the by-laws for regulating the repairing of or alteration of roofs or external walls of existing buildings within the said areas, so that the

Erection of tents, etc.

Buildings.

Height of
buildings.

said buildings may be made more nearly fireproof; for authorizing the pulling-down or removal, at the expense of the owner or owners thereof, of any building or erection which may be constructed, repaired, or placed in contravention of any by-law, or which may, in the opinion of the Council, be dangerous. And no building shall exceed one hundred and twenty (120) feet in height, and no building shall contain or be over ten stories in height, not including the basement of such building: Provided, however, that in the case of buildings containing a base area of seven thousand square feet or more, the main portion of such building may be surmounted by a superstructure, the area of the base of which shall not exceed thirty-three (33) per cent. of the area of the base of the main portion; and provided further that such superstructure shall not exceed two hundred (200) feet in height, measured from the sidewalk to the roof of such superstructure, and that such superstructure shall not contain more than eight stories:

Provided, however, that the above restrictions shall not apply to any building bona fide projected for which a permit has been taken out: 1909, c. 63, s. 7; 1911, c. 75, s. 9; 1913, c. 96, s. 6.

Wharves.

(135a.) For regulating, in so far as the Legislative Assembly of the Province of British Columbia has jurisdiction to confer the power, the erection of wharves and of additions and alterations thereto: 1909, c. 63, s. 6.

Number of buildings
on one lot.

(136.) For prohibiting the building or erection of more than a certain number, to be stated in the by-law, of buildings on one lot or block:

Number of tene-
ments on one lot.

(137.) For prohibiting the erection or keeping of more than a certain number, to be stated in the by-law, of tenements or dwelling-places, though under one roof, on one lot or block:

Ground plan
or block plan.

(138.) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground plan or block plan, elevation, and specifications for the internal and external construction of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-law:

Brick walls,
beams, etc.

(139.) For regulating the size and strength of brick walls, beams, joists, rafters, roofs and their supports, of all buildings to be erected or repaired within the city and for enforcing observance of such regulations, and prohibiting the erection or repair of any buildings being or proposed to be erected or repaired in contravention of such regulations:

For regulating
plumbing.

(139a.) For regulating the plumbing to be installed in buildings, including the pipes, drains, and all means of connection with sewers and the traps and all apparatus in connection

therewith, and the keeping, cleaning, and repairing of the same: 1910, c. 79, s. 9.

- (140.) For prohibiting the repair of any wooden building within the area specified by the city, the cost of which shall be more than one-fifth of the value, in the opinion of the Council, of the building intended to be repaired: Repair of wooden building.
- (141.) For preventing or regulating the carrying-on of manufactures or trades that may be dangerous, or that may cause or promote fires: Manufactures or trades.
- (142.) For preventing or regulating the use of fire or lights in stables, cabinetmakers' shops, carpenters' shops, and in places where combustible materials are kept: Fire or light in stables, etc.
- (143.) For preventing and for removing, pulling down, or regulating the construction and cleaning of any chimney, flue, or fireplace, stove, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire or otherwise: Chimneys, flues, etc.
- (144.) For regulating the mode of removal and safe-keeping of ashes, and for prohibiting or regulating the keeping and transporting of gunpowder, coal-oil, and other combustible or dangerous materials: Ashes.
Gunpowder, coal-oil, etc.
- (145.) For compelling the owners of houses to have scuttles in the roof thereof, with approaches, or stairs, or ladders leading to the roof: Scuttles.
- (146.) For requiring the owners of buildings to provide fire-escapes in such manner and time as may be prescribed in such by-law, and for the regulating the examination of them, and the use of them at fires; for regulating the size and number of doors in churches, theatres, halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and number of doors, halls, stairs, and other means of egress from all hospitals, schools, colleges, public buildings, and other buildings of a like nature, and also the structure of stairs and stair railings in all such buildings; and the strength of the walls, beams, and joists and their supports, and for compelling the production of the plans of all such buildings for inspection, and for enforcing observance of such: Fire-escapes.
- (147.) For regulating and enforcing the erection of party walls: Party walls.
- (148.) For causing all lands, buildings, and yards to be put into a safe condition in every respect, to guard against fire or other dangerous risk or accident: Yards, buildings, etc.
- (149.) For regulating and enforcing the cutting-down of trees that, in the opinion of the Council, might be dangerous to life or property: 1913, c. 96, s. 7. Trees.

Removing brush,
timber, etc., from
land.

(149a.) For regulating and enforcing the clearing of, cutting down, removing, burning, and destroying of trees, timber, logs, brush, and debris upon and from lots or blocks or parcels of land, and for charging the owner or owners of lots, blocks, or parcels of land upon which such trees, timber, logs, brush, or debris may be situated with the costs and expense of such clearing, cutting down, removing, burning, and destroying, and for the recovery of such costs and expense from such owner or owners so charged in the same manner and with the same powers of recovery as in the case of overdue taxes, and making such costs and expense a charge on the said lots, blocks, or parcels of land, with power to sell the said lots, blocks, or parcels of land for the recovery of such costs and expense in the same manner and under the same regulations as in the case of the sale of land for overdue taxes: Provided the powers hereinbefore in this subsection set forth may be exercised by the Council by general by-law in that behalf, which may provide for the carrying-out and enforcing thereof by such officer or officers and upon such notice to such owner or owners as the by-law may designate, and that it shall not be or be deemed necessary for the Council to pass any special by-law in or for any particular instance or case; provided that such notice shall not be less than thirty days and shall call upon such owner or owners to clear, cut down, remove, burn, and destroy such trees, timber, logs, brush, and debris, or as the case may be, within such thirty days, and shall state that, in default of such owner or owners so doing, such clearing, cutting down, removing, burning, and destroying, or as the case may be, will be done by the city or its officers, servants, or agents, and the cost and expense of same charged and recovered as aforesaid: 1913, c. 96, s. 7.

Bonfires.

(150.) For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings, or refuse may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times:

Vacant lots.

(151.) For causing vacant lots to be properly fenced and enclosed:

Suppressing fires.

(152.) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections when necessary to prevent the spreading of fire:

Conduct and
assistance at fires.

(153.) For regulating the conduct and enforcing the assistance of the inhabitants present at fires, and the preservation of property at fires:

Fire-alarms and
police-patrol
systems.

(153a.) For establishing, regulating, and maintaining a fire-alarm system and a police-patrol signal system in the city: 1909, c. 63, s. 8.

- (154.) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same: Authorizing entry of premises.
- (155.) For the regulating and enforcing the owners of lands to survey lots and blocks, their property in the city, with the object of accurately locating the streets and lanes of the said city, and in default of the owners surveying the said lots and blocks in accordance with the provisions of the by-law, to provide for the city surveying the said lots and blocks and locating the said streets, and charging the owners of the land so surveyed with the cost and the expense thereof, and for the recovery thereof from the owner or owners, in the same manner and under the same regulations as in the case of overdue taxes, and making the same a charge on the said lands, and with power to sell the said lands for the recovery of the expense and cost of such surveys, in the same manner and under the same regulations in the case of sale of lands for overdue taxes: Survey of lots and blocks.
- (156.) For regulating the subdivision of city lots and blocks, and prohibiting the subdivision thereof in contravention of the by-law: Subdivision of city lots.
- (157.) For purchasing and maintaining engines and appliances for suppressing and fighting fires and the protection of life and property: Fire-engines.
- (158.) For appointing fire wardens, fire engineers, and firemen, and promoting, establishing, and regulating fire companies, hook and ladder companies, and property-saving companies: Appointment of fire wardens, etc. Regulating fire companies.
- (159.) For the setting apart each year a special fund, and for the investment thereof, to be called the "City Insurance Fund," in order to provide against any loss that may be incurred by fire destroying any of the city buildings or portions thereof, or any of the personal property of the city: City Insurance Fund.
- (160.) For providing medals or rewards for persons who distinguish themselves at fires, and for granting gratuities to the members of the fire brigade who may have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, and for granting pecuniary aid or otherwise assisting the widows and orphans of persons who are killed by accident at such fires: Medals.
- (160a.) For receiving, taking over, adding to, augmenting, granting money to, expending, and administering, either by the Council of the city or any committee (composed wholly or

Firemen's Benefit Association Fund.

in part of members of the said Council) approved by the said Council, all moneys and funds (hereinafter called "the fund") of the Firemen's Benefit Association of Vancouver, British Columbia, and for enforcing, carrying out, repealing, amending, and altering the objects, purposes, by-laws, rules, and regulations of such Association, and for regulating the fund and the administration thereof, and for making contribution to the fund and obedience to and compliance with such objects, purposes, by-laws, rules, and regulations compulsory terms of employment of any and all officers, members, and employees of the Fire Department of the City of Vancouver. Notwithstanding anything in any Act or Statute contained, the said Firemen's Benefit Association of Vancouver, British Columbia, is hereby authorized and empowered to pay, give, and transfer the said fund to the said city, and the said city is hereby authorized and empowered to receive and take over the said fund and carry out the provisions hereinbefore in this subsection set out: Provided that such fund shall at all times be held by the city and administered for the benefit of members and employees, and widows and children of deceased members and employees, of the Fire Department of the City of Vancouver: 1913, c. 96, s. 8.

By-law for purchase
of fire-engine.

- (161.) Upon a petition of a majority of the ratepayers entitled to vote on money by-laws in any defined area or portion of the city representing in value more than one-half of the assessed real property within such portion or area, the Council may pass a by-law or by-laws for the purchase of a fire-engine and other appliances for the purposes of fire protection; and they may by the same or any subsequent by-law define, by metes and bounds, or otherwise, what real property within such area will be benefited by the proposed fire protection and is to be charged with the cost thereof; and may also by such by-law or any subsequent by-law make provision for assessing and levying on the real property so defined by the by-law the cost of managing and maintaining the said fire-engine and appliances:

Levy for cost
of fire-engine.

- (162.) The Council may levy in any one year upon the real property to be benefited the cost of such engine and appliances, or may issue debentures therefor, payable in annual proportions during a period not exceeding ten years, with interest as to the said Council may seem meet and proper, and may levy the amount payable thereon from time to time upon the real property to be benefited as aforesaid:

By-law does not
need assent of
people.

- (163.) It shall not be necessary to submit any of the said by-laws to a vote of the electors, nor to comply with the formalities required only for the purposes of such submission:

Aids to Charities and Bounties.

- (164.) For establishing and aiding charitable institutions and hospitals within the city: Charitable institutions.
- (165.) For granting money in aid of agricultural or horticultural, dog or poultry societies which hold their exhibitions either within or without the city limits, and for acquiring by purchase or otherwise real property for the purpose of holding such exhibitions: Aid to agricultural and other societies.
- (166.) For granting aid to charitable institutions and for the relief of the poor, and for erecting, leasing, or establishing and maintaining a poorhouse, or house for the aged and infirm, either within or without the city limits, for disabled or decrepit persons: Aid to charitable institutions and poor. Poorhouse.
- (166a.) For aiding and assisting by annual money grant or otherwise, as the Council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of members of the police force and fire brigades and their families respectively: 1910, c. 79, s. 10. Superannuation for police force and fire brigade.
- (166b.) For aiding and assisting by annual money grant or otherwise, as the Council may deem expedient, the establishment and maintenance of official benefit funds for employees of the Corporation (other than employees on the police force or fire brigades): 1910, c. 79, s. 10. Superannuation for city officials.
- (167.) For granting money in aid of celebrating the birthday of the reigning Sovereign, the Confederation of the Dominion of Canada, and in support of or as a contribution to any exhibition, celebration, or gathering to be held for the purposes of public sports or amusements, or which in the opinion of the Council may be for the benefit of the city, either within or without the city: Aid to celebrations.
- (168.) For aiding in the establishment or maintenance of a band of music: Band.
- (169.) For offering and paying a reward for the discovery, apprehension, or conviction of a criminal or any person suspected of being a criminal, or any person or persons guilty of personation or corrupt practices: Rewards.
- (170.) For aiding in the establishment or maintenance of institutions for the support of persons afflicted with contagious or infectious diseases: Contagious or infectious diseases.
- (170a.) For exempting from taxation any building set apart and used exclusively for Divine worship: 1906, c. 68, s. 7, subsec. (j).

Bonuses, Subsidies, and Loans.

- (171.) For granting aid by way of bonus for the promotion of manufacturers or other industries established within the municipal limits by exemption for a period not exceeding Bonuses, subsidies, and loans.

ten years from municipal taxation or water or electric-light rate, or any of them, or in addition by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the Council may determine upon, and to pay such money either in one sum or in annual or other periodical payments, with or without interest, and subject to such terms, conditions, and restrictions as the Council may deem expedient, and may take security therefor. The city granting such aid may take and receive of and from such person or body corporate receiving any such aid security for the compliance with the terms and conditions upon which such aid is given. But no by-law shall be passed providing exemption from water or electric-light rate unless such by-law provides a limit to the quantity of water or electric light which is to be exempt. Nothing herein contained shall authorize the granting of any bonus or exemption from taxes and water or electric-light rates in favour of any manufactory, industry, undertaking, or enterprise that is intended to compete with any manufactory, industry, undertaking, or enterprise already established and carrying on its operations within the municipal limits, unless such last-mentioned industry or industries has previously received any aid from the city:

Power to exempt industries from water rates and municipal taxation.

- (171b.) For granting, as an aid to industrial development, an exemption from water rates and municipal taxation for a period not exceeding ten years to any industry to be established in the City of Vancouver: 1907, c. 61, s. 7.

Aid to railways, etc.

- (172.) For aiding by the grant of money or land, or by exemption for a period not exceeding ten years from all or any part or portion of municipal taxation, the bringing or extending any line of railway, or proposed line of railway, tramway, dyke, ditch, or canal to some point within the limits of the city, or for aiding in manner aforesaid any such railway, tramway, dyke, ditch, or canal which may be constructed, or be proposed to be constructed, either wholly within the limits, or partly within the limits and partly without:

Subscribing for shares of railway or bridge company.

- (173.) For subscribing for a number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by any incorporated railway or bridge company, or interest thereon, and for exempting the buildings, wharves, and lands on which terminal buildings may be erected, yards and works of any incorporated railway or bridge company from taxation for any period not exceeding ten years:

Exemption from taxation.

Endorsing or guaranteeing debentures.

- (174.) For endorsing or guaranteeing the payment of any debentures to be issued by the company for the money by them

borrowed, and for assessing and levying from time to time upon the whole rateable property of the city a sum sufficient to discharge the debt or engagement so contracted:

- (175.) For the issue for the like purpose of debentures payable at such times and for such sums, respectively, not less than twenty dollars, and bearing or not bearing interest, as the Council may think meet; and for handing such debentures, by way of bonus or otherwise, to any such company, or to trustees, on any conditions provided in the by-law: Issuing debentures.
- (176.) For granting bonuses to any railway, bridge, or water-power company, and for issuing debentures in the same manner as in the preceding subsection provided for raising money to meet such bonuses: Bonuses to railways, etc.
Debentures to raise money.
- (177.) For subscribing for a number of shares in the capital stock of, or subsidizing by way of bonus, or by guaranteeing the payment of bonds or of the interest on bonds of such line or lines of steamships or steamboats as shall establish, within or without the limits of the city, a port of call or the terminus of such line or lines: Aid to steamships.
- (178.) For aiding by the grant of money or land, or by exemption for a period not exceeding ten years, smelters, dry-docks, or marine railways, within a limit of five miles beyond the boundaries of the city: Aid to smelters, dry-docks, or marine railways.
- (179.) The provisions or powers of the preceding subsections (171) to (178), inclusive, shall not be exercised by the Council until a by-law shall have been first submitted to and have received the assent of the electors, as is provided for in case of by-laws requiring the assent of the electors: 1911, c. 75, s. 10. By-law necessary before aid granted.
- (179a.) Provided that the Council may by by-laws guarantee the debentures of the Vancouver General Hospital to be issued in pursuance of the powers granted by the "Vancouver General Hospital Act, 1902, Amendment Act, 1906," to the extent of sixty thousand dollars, without submitting such by-law or by-laws to the electors of the municipality, and may, by by-law or by-laws submitted to the electors in the manner hereinbefore provided for money by-laws, guarantee such further debentures as may be issued by the said the Vancouver General Hospital in pursuance of the powers granted by the said Act, or grant the said Hospital such further aid as may be necessary for the construction and maintenance of the said Hospital: 1906, c. 68, s. 7, subsec. (k).
- (180.) In case the city takes shares in or guarantees payment of any money for or grant a bonus to any company in pursuance of subsections (171) to (178), inclusive, of this Council may appoint Mayor or Alderman director of such company.

section, the Council shall be entitled to appoint the Mayor or an Alderman a director of such company, and such company shall accept such person as a director, and he shall be entitled to all the rights and privileges of the other directors of such company:

Exemption of lands
of Canadian Pacific
Railway.

(181.) For exempting the yards, wharves, works, buildings, and lands on which terminal buildings of the Canadian Pacific Railway Company may be erected from city taxation for period not exceeding eighteen years from the twentieth day of May, A.D. 1898:

If bonus granted to
a railway other than
Canadian Pacific
Railway, lands of
Canadian Pacific
Railway to be
exempt from addi-
tional taxation.

(182.) For providing that in the event of the City of Vancouver granting to any other railroad company (than the Canadian Pacific Railway Company) coming into the city a bonus, subsidy, or grant, or subscribing to the shares of such company within a period of eight years from the twentieth day of May, A.D. 1898, then that all the real property of the Canadian Pacific Railway Company in the said city shall be exempted from any additional taxation imposed on property in the city by reason of such bonus, subsidy, grant, or subscription to shares being made, for a period of eight years from the twentieth day of May, A.D. 1898:

Assent of electors
necessary to by-law.

(183.) Provided that before any by-law passed by the Council under the next preceding subsection hereof shall come into force and effect, it shall first of all have received the assent of the statutory majority of the electors of the city entitled to vote on money by-laws, or by-laws requiring the assent of the electors in manner provided for by the said "Vancouver Act of Incorporation, 1886," and Acts amending the same: 1911, c. 75, s. 11.

If city grants aid,
may take mortgage
as security.

(184.) In the event of the city granting aid or assistance in any way or giving a guarantee of bonds or interest on bonds to any person or persons or body corporate, it may take security by mortgage or otherwise for the repayment of the same, and may pass all necessary by-laws to carry the provisions of this section into full force and effect, and any security taken may be registered in the name of the city in any Land Registry Office:

Nuisances.

Nuisances.

(185.) For preventing and abating public nuisances:

Cows, goats,
and pigs.

(186.) For preventing or regulating the keeping of cows, goats, pigs, and other animals, and defining limits within which the same may be kept:

Bells, whistles,
and noises.

(187.) For preventing the ringing of bells, blowing of horns or steam-whistles, shouting, and other unusual noises in streets and public places:

- (187*a*.) For regulating or preventing the use of sirens, horns, bells, gongs, and whistles on automobiles, bicycles, or vehicles drawn by horses or propelled by any other motive power: 1909, c. 63, s. 9. Horns, sirens, and whistles, etc.
- (188.) For preventing or regulating the firing of guns or other firearms, and the firing or setting-off of fire-balls, squibs, crackers, or fireworks, and for preventing charivaries and other like disturbances of the peace: Letting off guns and fireworks.
- (189.) For the prevention or regulating of blasting within the limits of the city: Blasting.
- (190.) For defining the areas within which tanneries, soap-boiling works, rag, bone, or junk shops or other industries of a noxious or unhealthy character may not be carried on within the city: Defining areas of tanneries, soap-boiling works, and rag, bone, or junk shops.
- (191.) For prohibiting or regulating the erection or continuance or the use of buildings for slaughter-houses, gasworks, soap-boiling works, canneries, crematories, and distilleries, and for ordering the destruction of the same, or the removal of the same from any particular locality when in the opinion of the Council such building or business is a nuisance to such locality; for establishing public slaughter-houses, and for preventing, regulating, and inspecting the erection or continuance of slaughter-houses, and for prohibiting the slaughter of animals intended for food in existing or other slaughter-houses, or except in slaughter-houses designated in the by-law: Prohibiting or regulating slaughter-houses, distilleries, etc., gasworks, soap-boiling works, canneries, crematories, etc.
- (192.) For compelling manufacturers, keepers of slaughter-houses, shoddy-mills, crematories, tanneries, rag or bone works, laundries, electric-light works, carpet-cleaners, and others to have such chimneys or other apparatus as shall consume the smoke, dust, or effluvia, or prevent the same from fouling the atmosphere, or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein: Chimneys of slaughter-houses, etc.
- (193.) For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed or malformed, or diseased, or injured persons from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity: Begging.
- (194.) For preventing the growth of weeds and compelling the destruction thereof, and for enforcing the observance of any Provincial law respecting the destruction of noxious weeds: Weeds.
- (195.) For the good rule and government of the city, and for the suppression and prevention of nuisances: Good rule of city.

Wharves and Streams.

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|----------------------------|--|
| Wharves, docks, and slips. | (196.) For purchasing, making, altering, improving, and maintaining public wharves, docks, and slips: |
| Wharfage and docking dues. | (197.) For regulating the use of such public wharves, docks, or slips, and charging and collecting reasonable wharfage and docking dues in respect thereof: |
| Encumbering wharves, etc. | (198.) For regulating or preventing the encumbering, injuring, or fouling, by any animals, vehicles, vessels, or other means, of any public wharf, dock, or slip: |
| Wrecked vessels, etc. | (199.) For regulating and compelling the removal from any public wharf, dock, or slip of all sunken, grounded, or wrecked vessels, barges, cribs, rafts, logs, or other obstructions or encumbrances by the owner, charterer, or person in charge, or any other person who ought to remove the same: |
| Obstructing drain, etc. | (200.) For preventing persons from obstructing any drain or watercourse: |
| Obstructing streams, etc. | (201.) For preventing the obstruction of streams, creeks, water-courses, and surface drains by trees, brushwood, timber, or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise: |

Impounding of Dogs and other Animals.

- | | |
|---------------------------------|---|
| Impounding and sale of animals. | (202.) For restraining and regulating the running at large or trespassing of dogs, cattle, and animals of every description, and for seizing and impounding the same, and for causing them to be sold or destroyed in case they are not claimed within a reasonable time, or in case the damages, fines, and expenses are not paid according to the by-law: |
| Killing dogs. | (203.) For killing dogs running at large, or trespassing, or unlicensed contrary to the by-law: |
| Penalty. | (204.) For appraising the damages to be paid by the owners of animals impounded for trespassing or running at large contrary to the by-laws of the city or the laws of the Province: |
| Remuneration to distrainer. | (205.) For determining the compensation to be allowed for services rendered in carrying out the provisions of the by-laws or of any Act with respect to animals impounded or distrained and detained in the possession of the distrainer: |
| Pounds. | (206.) For the establishment of pounds and providing suitable yards and enclosures for the keeping of such animals as it may be the duty of the pound-keeper to impound: |
| Pound-keepers. | (207.) For the appointment of pound-keepers, and for regulating and determining the fines and fees to be levied and collected by such pound-keepers: |

- (208.) For preventing cruelty to animals and the destruction of birds: Cruelty to animals.
- (209.) For preventing the keeping of vicious dogs or wild animals within the said city, except under certain restrictions, and for the destruction of such dogs or wild animals kept in contravention of the by-law: Vicious dogs and wild animals.

Cemeteries.

- (210.) For accepting or purchasing land for public cemeteries, as well within as without the city, and for laying out, improving, and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose: Cemeteries.
- (211.) For the acquiring and expropriation of lands to be used for enlarging any existing public cemetery or burial-ground: Expropriating lands.
- (212.) For regulating the interment, exhumation, embalming, and cremating of the dead, and for prohibiting any such interment, exhumation, embalming, and cremating except in such places and under such conditions as the by-law or by-laws may authorize: 1912, c. 59, s. 11. Burial of dead.
- (213.) For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred: Violation of cemeteries.
- (214.) The Council shall have power and authority to sell and execute deeds for the purchase and sale of burial-plots in said cemeteries, and generally to exercise full powers and control over said cemeteries, and to spend money in the construction of roads or streets to the same if necessary, either within or without the city limits: Purchase and sale of burial-plots.

Municipal Lands and Properties.

- (215.) For obtaining such real property (within or without the city) and personal property as may be required for the use of the Corporation for parks, squares, marine parades, school purposes, roads, streets, or any other purpose, and for the disposing of such property, and for conveying and the execution of any conveyances of or leasing the same when no longer required, on such terms as may be deemed expedient, and to accept as payment therefor either money or real property: Provided always that any by-law providing for the disposal of any real property, or for leasing the same where the lease shall extend over a term of five years, or for disposing of personal property where the value of the same is over two thousand five hundred dollars, shall not be passed until the assent of the electors has been

obtained in conformity with and in manner provided by the requirements of this Act in respect of by-laws for contracting debts; excepting in the case of Suburban Lot 90, Hastings Townsite, known as Hastings Park, situate at Hastings, which may be leased by the Council of the said city for a term of years: Provided that the Council may lease, on such terms and conditions as it may deem expedient and without the assent of the electors, the ends of streets abutting on the foreshore, for a period not exceeding ten years, and lanes or portion of lanes, including air-spaces above or subways thereunder, for a period not exceeding twenty-five years: 1907, c. 61, s. 8.

Provided further that anything in this Act notwithstanding, the Council may, by resolutions entered on the minutes and without the assent of the electors, and on such terms and conditions as it may deem expedient, convey any portion of the following pieces of land hereinafter described, and empower the Mayor and City Clerk to execute and deliver good and effectual conveyances in fee-simple of the same:—

(1.) All and singular that certain parcel or tract of land situate, lying, and being in the Province of British Columbia, in the District of New Westminster, in the City of Vancouver, and being composed of a portion of Lots One (1), Two (2), Three (3), Seven (7), and Eight (8), in Block Forty-eight (48), in District Lot One hundred and eighty-one (181), City of Vancouver, and which may be more particularly known and described as follows:—

Firstly: All and singular that certain parcel or tract of land situate, lying, and being in the Province of British Columbia, in the District of New Westminster, in the City of Vancouver, being composed of a portion of Lots 1, 2, and 3, Block 48, in the District Lot 181, and which may be more particularly known and described as follows, that is to say: Beginning at a point on the west boundary of Lot 1, said point being distant fifty-eight feet from the south-west corner of said Lot 1, measured along said west boundary; thence east and parallel to the south boundaries of said Lots 1, 2, and 3 seventy-three and nine-tenths feet, more or less, to the east boundary of Lot 3; thence north along the east boundary of said Lot 3 twenty-seven and one-tenth feet, more or less, to the point of intersection of the said east boundary of Lot 3 with the southerly boundary of Powell Street; thence south seventy-nine degrees two minutes west along said southerly boundary of Powell Street seventy-five and twenty-seven one-hundredths feet, more or less, to the point of intersection of said southerly

boundary of Powell Street with the west boundary of said Lot 1; thence south along the said west boundary of said Lot 1 twelve and seventy-eight one-hundredths feet, more or less, to the point of beginning:

Secondly: All and singular that certain parcel or tract of land situate, lying, and being in the Province of British Columbia, in the District of New Westminster, in the City of Vancouver, being composed of a portion of Lots 7 and 8, Block 48, in District Lot 181, and which may be more particularly known and described as follows, that is to say: Beginning at a point on the west boundary of Lot 7, said point being distant fifty-eight feet from the south-west corner of said Lot 7, measured along said west boundary; thence east and parallel to the south boundaries of said Lots 7 and 8 forty-nine and eight-tenths feet, more or less, to the east boundary of Lot 8; thence north along the east boundary of said Lot 8 fifty-one feet, more or less, to the point of intersection of the said east boundary of Lot 8 with the southerly boundary of Powell Street; thence south seventy-nine degrees two minutes west along said southerly boundary of Powell Street fifty and twenty-one one-hundredths feet, more or less, to the point of intersection of said southerly boundary of Powell Street with the west boundary of said Lot 7; thence south along the said west boundary of said Lot 7 forty-one and forty-one one-hundredths feet, more or less, to the point of beginning:

(2.) All and singular that certain parcel or tract of land situate, lying in, and being a portion of Lot No. 302, in the District of New Westminster, and City of Vancouver, British Columbia, more particularly described as follows, namely:—

Commencing at a post at the intersection of the southerly lane line and the westerly boundary of Columbia Street, being the north-east corner of Lot No. 4, Block 5, in the subdivision of District Lot No. 302 aforesaid; thence south fifty-two degrees thirty minutes west along the southerly line of the lane aforesaid two hundred and ten feet to the intersection of the easterly boundary of a street unnamed, being the north-west corner of Lot No. 7, Block 5; thence north thirty-seven degrees thirty minutes west along the said street boundary twenty feet to the south-west corner of Lot No. 1, Block 5 aforesaid; thence north fifty-two degrees thirty minutes east along the northerly boundary of lane aforesaid one hundred and ninety-five feet to the north-east corner of Lot 3, Block 5 aforesaid, and the intersection of present roadway; thence west one hundred and ninety-six feet along the south boundary of

present roadway to the intersection of the southerly boundary of Front Street; thence north sixty-five degrees thirty minutes east one hundred and fifty-eight feet to the intersection of the north boundary of present roadway; thence east seventy-one feet along the said north boundary of roadway to the intersection of Columbia Street and the south-east corner of Lot 27; thence south one degree thirty minutes east seventy-six feet to the north-east corner of Lot 4, the point of commencement; containing one thousand three hundred and fifty-five square feet, more or less: 1910, c. 79, s. 11.

- Public library. (216.) For purchasing, acquiring, holding, managing, and maintaining real property for the purpose of a site for a free public library or a partially free library in the city, and any branches thereof:
- Hall. (217.) For erecting, maintaining, and improving a hall or any other houses and buildings required by and being upon the land of the Corporation:
- Hospital or quarantine-station. (218.) For accepting or purchasing, holding, and using any real property within or without the city limits for the purpose of erecting, establishing, and maintaining, and to erect, establish, and maintain, either an hospital or a quarantine-station, or a place where persons suspected of conveying infectious, contagious, or malignant diseases can be isolated, or for a crematory, or for a home for the aged or infirm:
- Industrial schools and gaols, etc. (219.) For establishing, maintaining, and regulating industrial schools and gaols, lock-up houses, reformatories, and houses of correction for the detention and imprisonment of persons sentenced to imprisonment or confinement, and of persons detained for examination or transmission to any gaol, either for trial or in the execution of any sentence, and for regulating and providing for the care, charge, and safe custody, government of persons imprisoned or detained therein:
- Juvenile Court-house. (219a.) For acquiring land and for erecting, keeping, and maintaining a building suitable for use as a Juvenile Court-house and such other building or buildings as may be required to properly carry out the provisions of the "Juvenile Delinquents Act," being chapter 40 of the Statutes of 1908, Dominion of Canada, and for providing for the expenses attendant upon the proper carrying-out of such Act: 1910, c. 79, s. 12.

Miscellaneous.

- Fines. (220.) For inflicting reasonable fines and penalties not exceeding one hundred dollars and costs—

(a.) Upon any person for the non-performance of his duties, who has been elected or appointed to any office in the Corporation, and who has accepted such office and afterwards neglects the duties thereof; and

Official neglecting to perform his duties.

(b.) For breach of any of the by-laws of the Corporation :

Breach of by-law.

(221.) For collecting such penalties by distress and sale of the goods and chattels of the offender :

Collection of penalties.

(222.) For inflicting reasonable punishment, by imprisonment, with or without hard labour, either in the lock-up house in the city, or in a gaol, for any period not exceeding two months, for breach of any of the by-laws of the Council, or for non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied, or imprisonment without option or fine :

Punishments.

(223.) For the creation of all offices and appointments thereto that are necessary in the affairs of the Corporation, and for regulating the remuneration, fees, charges, and duties of all officers appointed to such offices, and the securities to be given for the performance of such duties :

Offices.

Remuneration.

(224.) For paying to the Aldermen during their term of office, out of the annual revenue, a sum of money not exceeding twelve hundred dollars per annum each : 1912, c. 59, s. 12.

Allowance to Aldermen.

(225.) For revising and consolidating the by-laws of the city :

Revision and consolidation of by-laws.

(226.) For authorizing the entering into contracts by the city with any person, persons, or corporations for periods exceeding one year, but not exceeding ten years. But this subsection shall not be taken to limit the powers conferred on the Council by subsection (15) of this section :

Contracts.

(227.) Whenever the Council has authority to direct by by-law or otherwise that any matter or thing should be done by any person or corporation, the Council may also, by the same, or by any other by-law, or by resolution, direct that in default of its being done by the person or corporation so directed, such matter or thing shall be done at the expense of the person or corporation in default, and may recover the expense thereof with interest at the rate of six per cent. per annum, and costs, by action or distress ; and in case of non-payment thereof the same shall be recovered in like manner as municipal taxes :

What Council may direct in by-law.

(228.) For allowing a rebate or rebates on all taxes or rates if paid before a certain time or times to be named in the by-law.

Rebate of taxes.

126. Whenever in any by-law passed hereunder by the city it is provided that notice shall be served on any owner or owners of land or property, in the event of such owner or owners being non-resident

Service of notice.

in the city, service of such notice upon his or her or their agent or agents, or by posting the same on some conspicuous part of the property affected, shall be deemed good and valid service of such notice and as effectual as if the same had been personally served on such owner or owners.

Quashing By-laws.

Quashing by-laws.

127. In case a ratepayer or any person interested in a by-law, order, or resolution of the Council or other body having power to pass by-laws, orders, or regulations under this charter, applies to any Judge of the Supreme Court and produces a copy of the by-law, order, or resolution to said Judge, certified under the hand of the Clerk (who shall furnish the same on two days' application, and on payment of a fee of one dollar), and under the corporate seal, and shows by affidavit that the same was received from the Clerk and that the applicant is a ratepayer and interested as aforesaid, the Judge, after at least ten days' service on the Corporation of a rule to show cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the Corporation. In the case of any application under this section, the Judge shall have power, if in his discretion he sees fit, to order the applicant to give security for the costs of and incidental to the application for and all proceedings under the said rule. 1906, c. 68, s. 8.

Time within which application must be made.

128. No application to quash any such by-law, order, or resolution, in whole or in part, shall be entertained by any Judge unless such application be made to such Judge within one month from the passing of any by-law, order, or resolution. In case no application is made to quash such by-law, order, or resolution within the time limited in that behalf, such by-law, order, or resolution shall be valid and binding on all parties concerned.

Quashing by-laws obtained by bribery, etc.

129. Any by-law, the passing of which has been carried through or by means of any violation of the provisions of section 28 of this Act, shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained.

Procedure in such case.

130. Before determining any application for the quashing of a by-law upon the ground that any of the provisions of section 28 of this Act have been contravened in procuring the passing of the same, if it be made to appear to a Judge of the Supreme Court that probable grounds exist for a motion to quash such by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct, concerning the said grounds before him, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said Judge.

Inquiry by Judge.

131. The said Judge shall thereupon, if the grounds therefor Judgment.
 appear to be satisfactorily established, make an order for quashing
 the said by-law, and he may order the costs attending said proceed- Costs.
 ings to be paid by the parties, or any of them, who have supported
 the said by-law; and if it appears that the application to quash said
 by-law ought to be dismissed, the said Judge may so order, and, in
 his discretion, award costs to be paid by any person or persons apply-
 ing to quash said by-law. After an order has been made by the said
 Judge directing an inquiry, and after a copy of such order has been
 left with the Clerk of the city, all future proceedings upon or under
 the by-law shall be stayed until after the disposal of the application
 in respect of which the inquiry is directed; but if the matter is not Stay of proceedings.
 prosecuted to the satisfaction of the Judge, he may remove the stay
 of proceedings.

132. Any decision or order of a Judge upon any such application Appeal.
 shall be subject to appeal to the Full Court of the Supreme Court
 of British Columbia, provided the appellant gives security to the
 Registrar of the Supreme Court for the costs of such appeal in the
 event of the appeal being dismissed.

132A. All debentures sealed with the seal of the Corporation of Debentures.
 the City of Vancouver, and signed and countersigned as required by
 this Act, and purporting to be issued in pursuance of any by-law or
 by-laws heretofore or hereafter passed by the Council, shall, in case
 no proceedings have been taken within the time limited by this Act
 to quash the said by-law or by-laws, or in the event of the said by-law
 or by-laws not having been quashed within three months from the
 final passing thereof, after the expiration of three months from the
 date of the authorization of the issue thereof by the City Council, be
 valid and binding on the Corporation and shall not be quashed or set
 aside on any ground whatsoever. The certificate of the City Clerk
 under the seal of the Corporation that the issue of said debentures
 has been authorized, and showing the date of such authorization,
 shall be final and conclusive evidence of such authorization and the
 date of same, and it shall not be incumbent on the purchaser or
 purchasers of said debentures, or his or their assigns, to examine
 into the validity or otherwise of the proceedings leading to the issue
 of said debentures. 1907, c. 61, s. 1.

Expropriations.

133. The Council of the City of Vancouver shall have full power Power to open,
 extend, and widen
 streets, etc., and
 construct buildings
 and wharves.
 and authority to provide by resolution, entered on the minutes, or
 by by-law, for the acquiring, taking, using so much real property
 within the limits of the city as may be required for the opening,
 extending, or widening of streets, lanes, public places, parks, squares,
 highways, cemeteries, sites for public libraries and schools, or the

construction of a public wharf or wharves, bridge or bridges, reservoir or reservoirs, and such public buildings, drains, or watercourses, or sewers, or sites for septic tanks or other appliances connected with the purification of sewage, and to direct at the same time that such improvements should be made out of the city funds, or that the cost thereof shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in or benefited by said improvements, and to purchase, acquire, take, and enter into any land, ground, or real property whatsoever within the limits of the said city, either by private agreement, amicable arrangement between the Council of the said city and Corporation or other persons interested, or by complying with all the formalities hereinafter prescribed for opening streets, squares, markets, parks, or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as site for any public wharf or wharves, bridge or bridges, or public buildings to be erected by the said Council: 1910, c. 79, s. 13; 1911, c. 75, s. 18.

Trustees and others acting in a representative capacity may sell and convey to the city land selected for any of the purposes aforesaid.

- (1.) All corporations or bodies and all persons, guardians, executors, administrators, or trustees who are or shall be seised or possessed of or interested in any piece or pieces, lot or lots, of ground or real property within the said city, selected by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of the person whom they represent, or for whom, or in trust for whom, they are or shall be seised or possessed, or interested, whether minors, lunatics, idiots, femme covert, or other persons, contract for, sell, and convey such piece or pieces, lot or lots, of ground or real property to the said Corporation; and such contracts, sales, and conveyances shall be valid and effectual law for conveying the estate or interest therein to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding, and the Corporation of the City of Vancouver shall not in any case be responsible for the application of the purchase-money; and all corporations and persons whatsoever so contracting, selling, or conveying as aforesaid are hereby indemnified for and in respect of such sale or cession, which he, she, or they shall respectively make by virtue of or in pursuance of this Act, without, however, diminishing in any manner the responsibility of such corporation or persons toward those whom they represent as regards the purchase-money or compensation of such sale or conveyance:

Power of corporations, guardians, or executors to arbitrate or contract.

- (2.) In the case of real property which the Council has authority under this Act to enter upon, take, or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees shall, on behalf of

themselves, their successors, and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women, or others, have power to act as well in reference to any arbitration, notice, and action under this Act as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof:

- (3.) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the Supreme Court may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes: Judge may appoint person to act in place of corporation, etc.
- (4.) In case any person acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same and executes a valid acquittance therefor, unless a Judge of the Supreme Court in the meantime directs the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court: If person has not fee in property, Council to hold money, etc.
- (5.) The Council shall make to the owners or occupiers of or other persons interested in real property entered upon, taken, or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of any of its powers, due compensation for any damages (including the cost of fencing when required) necessarily resulting from the exercise of such powers beyond any advantage which the claimant may derive from the works carried out by the Corporation; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under the following subsections: 1904, c. 62, s. 8, subsec. (a). Compensation.
- (6.) The appointment of all arbitrators shall be in writing under the hand of the appointers and under the corporate seal of the Corporation: Arbitrators.
- (7.) Either party may appoint an arbitrator and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given; the notice to be given to the Council shall be given to the City Clerk: Either party to appoint arbitrators.

Appointment of
third arbitrator.

- (8.) The two arbitrators appointed by or for the parties shall, within seven days from the appointment of the lastly named of the two arbitrators, appoint in writing a third arbitrator:

If no arbitrator
appointed, Judge
may appoint.

- (9.) If for twenty days after having received a notice to appoint an arbitrator the party notified omits to appoint an arbitrator, or if for seven days after the second arbitrator has been appointed the two arbitrators omit to appoint a third arbitrator, a Judge of the Supreme Court may appoint an arbitrator for the party in default, or a third arbitrator, as the case may require:

Award.

- (10.) The arbitrators shall make their award in writing within one month after the appointment of the third arbitrator, or within such further time as a Judge of the Supreme Court on cause shown may decide:

No officer of city
to be appointed
arbitrator.

- (11.) No officer or person in the employment of the city, nor any person interested, shall be appointed or act as arbitrator under this Act:

Meeting of
arbitrators.

- (12.) The arbitrators shall, within twenty days after the appointment of the third arbitrator, meet at such place as they may agree upon to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing:

Determination of
compensation.

- (12a.) The arbitrators in deciding on such value or compensation may set off the increased value that will attach to the said lands which have been taken, used, or injuriously affected, against the inconvenience, loss, or damage that might be suffered or sustained by reason of the Corporation having taken possession of the said lands or constructed or carried out any works in the neighbourhood thereof: 1904, c. 62, s. 8, subsec. (b).

- (12b.) No person who erects any building whatever upon or contiguous to any established or contemplated street, lane, square, or public place in the City of Vancouver, without having previously obtained in writing from the City Engineer the level grade and line of such street, lane, square, or public place, shall have any claim whatever for compensation by reason of such building or property being injuriously affected when such level, grade, or line shall be settled, determined, or changed by the city pursuant to its powers: Provided that this section shall not affect pending litigation or claims upon which arbitration proceedings have been commenced, nor shall it apply to claims for compensation where the claimant has applied in writing to the City Engineer for such level, grade, or line, and the City Engineer has failed to supply the same within fifteen

days after such application: 1910, c. 79, s. 18; 1911, c. 75, s. 19; 1912, c. 59, s. 18.

- (13.) The arbitrators shall have power, by writing, signed by any one of them, to summon before them any witness or witnesses which either party to the said reference may desire to call, and to examine the said witnesses upon oath or solemn affirmation to be administered by any of the said arbitrators, and to order the production before them of any books, documents, accounts, vouchers, papers, and memoranda of any description which they may deem necessary for the purposes of the said reference: Witnesses and administering oaths.
- (14.) In the event of the amount awarded by the arbitrators in their award not exceeding the amount (if any) offered by the Council under subsection (5) hereof, the arbitrators shall have power to award that all costs of the arbitration shall be paid by the owner or owners of the land or interest expropriated, and that such costs shall be based on either the scale of the County Court or Supreme Court of British Columbia, as the arbitrators shall decide, and shall be taxed by the Registrar of the Court. In the event of the amount awarded exceeding the amount so offered, then the arbitrators shall have power to order that the Corporation pay the costs of the arbitration, to be taxed as aforesaid: Costs. 1910, c. 79, s. 14.
- (15.) In case of a difference between the arbitrators the decision of the majority of them shall be conclusive: Decision of majority of arbitrators to be conclusive.
- (15a.) The parties to the reference may agree to submit the matter to one arbitrator, whose award shall be as binding and conclusive as the award of two or three arbitrators; or, with the consent of the parties, it may be referred to any Judge of the Supreme Court, whose decision in the matter in dispute shall be as binding as the award of an arbitrator or arbitrators: 1910, c. 79, s. 15.
- (15b.) Every claim at present existing or which may hereafter arise under this section, except in the case of infants, lunatics, and persons of unsound mind, shall be made within one year from the date when the real property was so entered upon, taken, or used, or when the alleged damages were sustained or became known to the claimant: Provided this subsection shall not affect pending litigation or claims upon which arbitration proceedings have been commenced: 1910, c. 79, s. 15. Limitation of claims for compensation.
- (16.) Upon payment or legal tender of the amount so awarded or agreed upon to the person entitled to receive the same, or upon payment into the Supreme Court of British Columbia of the amount of such compensation, the award or agreement shall vest in the Corporation power forthwith Award or agreement shall vest property in city after payment of amount awarded.

to take possession of the lands, the subject of the award or agreement; and if any resistance or forcible opposition is made by any person to its so doing, a Judge of the Supreme Court of British Columbia may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district to cut down such resistance and to put the Corporation in possession:

Council may pay compensation into Court.

- (17.) If the Council has reason to fear any claims or encumbrances, or if any person to whom the compensation is payable refuses to execute the proper conveyance, or if the person entitled to claim the same cannot be found, or if for any other reason the Council deem it advisable, the Council may pay such compensation in to the Registrar of the Supreme Court of British Columbia, and may deliver to such Registrar an authentic copy of the conveyance, or award, or agreement, and such conveyance, or award, or agreement shall thereafter be deemed to be the title of the Corporation to the land therein mentioned:

Special assessments.

- (18.) Special assessments under authority of this section shall be made in the same manner, and subject to the same appeals, and governed by the same decisions, and shall be collected by the same process as is provided by this Act in the case of ordinary assessments or under the local improvement clauses of this Act, as the Council may determine.

134-139. [*Repealed, 1907, c. 61, s. 33.*]

Local Improvements and Special Assessments therefor.

Council may by by-law declare debt guaranteed by city.

140. In the matter of by-laws passed or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder and add to their commercial value, the Council may by by-law declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the Corporation at large.

141, 142. [*Repealed, 1907, c. 61, s. 33.*]

143. [*Repealed, 1912, c. 59, s. 13.*]

Local improvement by-laws.

1907, c. 61, s. 11. The City Council, for the purpose of effecting local improvements and works, the whole or a part of the cost of which it proposes to assess upon the real property specially benefited thereby, may, subject as hereinafter provided, pass by-laws for the following purposes:—

- (1.) For (a) opening, widening, extending, prolonging, altering the grade of or diverting any public street, lane, alley, or place, or opening up or establishing new streets or lanes

in the said city; or (b) constructing or reconstructing any bridge, culvert, subway, or embankment as part of any public street, lane, alley, or place or any roadway or pavement thereon; or (c) constructing, reconstructing, enlarging, or prolonging and extending any common sewer or drain into or through the lands of any owner other than the corporation and making all proper and necessary connections therewith; (d) for constructing sewers on the combined system: 1909, c. 63, ss. 12, 13.

- (2.) For (a) constructing, reconstructing, enlarging, or prolonging and extending any common sewer or drain, and making of proper connections between the same and the property-line of the streets or lanes along which said sewers are constructed, and constructing and making all proper and necessary private drains, connections therewith in and along any public street, lane, alley, or place or any part thereof; or (b) for constructing roadways, or macadamizing, planking, paving, or curbing any public street, lane, alley, or place; or (c) for resurfacing with wood-block pavement, asphalt, or other suitable material a pavement having a concrete foundation which in the opinion of the Engineer is sufficient therefor; or (d) for constructing sidewalks or footways in, upon, and along any public street, lane, alley, or place, and for reconstructing any such roadway, curbing, or sidewalk or footway when the term of the special assessment therefor shall have expired, or the work or improvement shall be worn out; or (e) for setting apart a portion or portions of any public street or place for the purpose of a boulevard or boulevards thereon and therein, and for constructing and maintaining such boulevard or boulevards; or (f) for sodding any portion of and planting, maintaining, and caring for trees, shrubs, and plants upon and in any public street, square, or other public place: 1909, c. 63, s. 14.
- (3.) For constructing, extending, and maintaining all such mains, conduits, and pipes, and for constructing all such branch mains, conduits, and pipes, making connections with all buildings and premises, and constructing all such other works and doing all such other things as may be necessary for the supplying of water for public as well as for private use:
- (4.) For providing the means of ascertaining and determining the probable cost of every such work, improvement, or service above mentioned:
- (5.) Subject as hereinafter provided, for providing the means of ascertaining and determining what real property will be benefited by the construction and carrying-out of any

of the above-mentioned works, improvements, or services; what portion thereof is liable for special assessments therefor and what portion thereof (if any) is exempt from such special assessment; what proportion or amount of the cost of any such proposed improvement, work, or service is to be assumed and borne by the municipal corporation as its share or part thereof, and what proportion or amount thereof is to be charged against and specially assessed upon the assessable real property benefited thereby; the proportion in which the assessment of that part of the said cost which is chargeable against the real property benefited is to be made upon the various portions of real property benefited thereby; the time to be allowed for the payment of any debt which may be created for the purposes of any such improvement, work, or service, and the number of annual special assessments which will be imposed to pay the interest upon the said debt and create a sinking fund sufficient to extinguish the debt at maturity, or to pay the annual instalments covering interest and part of the principal of the debt, as the case may be:

- (6.) Subject also as herein provided for assessing the cost of any such improvement, work, or service or such portion of the cost thereof as may be permitted by this Act upon the real property to be benefited thereby, and for levying and collecting such cost or such portion thereof by an annual special rate upon the said real property according to the frontage thereof:
- (7.) For regulating the time or times and the manner in which the special assessments to be levied and collected under this section are to be paid, and for arranging the terms upon which the owners and other persons liable to pay the same may commute by the cash payment of their proportionate shares of the cost of any such work, improvement, or service in principal sums:
- (8.) For effecting any of the improvements, works, or services mentioned above with funds provided by persons desirous of having the same effected.

Common sewers,
how cost to be
borne.

1907, c. 61, s. 12. If the contemplated work or improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the whole cost thereof shall be provided for by the Council. The Council shall also provide, in connection with all sewers and roadways, the cost of all culverts and other works necessary for street-surface drainage, and may also, in the case of roadways and sidewalks, provide the cost of that part of every work, improvement, or service which is incurred at and is chargeable in respect of street intersections, and also that part thereof done or

made opposite real property which by any general or special Act is exempt from special or local assessment: Provided that none of the provisions of this section shall apply when the contemplated work or improvement is the construction of a sewer on the combined system. 1909, c. 63, s. 15.

1907, c. 61, s. 13. (1.) The special rate to be so assessed and levied shall be an annual rate, according to the frontage thereof, upon the real property immediately benefited by the work or improvement. How special rate assessed and levied.

(2.) If in any case the first assessment for any such work or improvement proves insufficient, the Council shall make a second or other additional assessment in the same manner, and so on until sufficient moneys have been realized to pay for such improvement or work; and if too large a sum has at any time been raised, the excess shall be refunded rateably to those by whom it was paid.

1907, c. 61, s. 14. Nothing contained in the three next preceding sections shall be construed to apply to any work of ordinary repair or maintenance; and all works or improvements constructed under the said sections shall thereafter be kept in a good and sufficient state of repair at the expense of the city generally. Repairs to be at expense of city.

1907, c. 61, s. 15. It shall be deemed to have been and to be a sufficient compliance with the provisions of section 11 of this Act if the Council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed work or improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment of the final cost thereof is to be made on the various proportions of real estate so benefited, and it shall not be deemed to have been or to be necessary to pass a special by-law in each particular instance for the purposes above mentioned. By-laws for determining what real property benefited by local improvement.

MODE OF INITIATING LOCAL IMPROVEMENT WORKS.

(1.) *By Petition.*

1907, c. 61, s. 16. (1.) Upon the receipt of a petition praying for any of the works and improvements mentioned in section 11 of this Act, signed by at least two-thirds in number of the owners of any real property to be benefited thereby, according to the last revised assessment roll of the Corporation, such owners representing at least one-half in value of such real property—the number of such owners and the value of such real property as appears by the last revised assessment roll as aforesaid having been first ascertained and finally determined in the manner and by the means provided Mode of initiating local improvement works.

by by-law in that behalf—the Council may take all proper and necessary proceedings for the execution and completion of the work or improvement with as little delay as possible.

(2.) *On Sanitary Grounds.*

(2.) If the Council affirm by vote of two-thirds of all the members of the Council at any regular meeting thereof that it is desirable and necessary in the public interest to construct, make, enlarge, or prolong a drain, sewer or sewers, for the purpose of draining a particular locality for sanitary or drainage purposes, as a local improvement, it shall not be necessary for the Council to give notice of the proposed assessment for such local improvement, except the notice required by subsection (3) of section 19 of this Act, of the sitting of the Court of Revision for the purpose of hearing complaints against such proposed assessment.

(3.) *On the Initiative Method.*

1907, c. 61, s. 17. (1.) Any work or improvement mentioned in section 11 of this Act may be undertaken and the assessment of the cost thereof may be made upon the properties benefited thereby, unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the Council against the same within one month after the last publication of a notice of the intention of the Council to undertake the said work, such notice to be inserted once in each week for two weeks in at least two newspapers published in the City of Vancouver, and any number of different works or improvements may be included in one such notice and shall stand good for any one or more that may not be petitioned against that the Council may determine to proceed with:

(1a.) In addition to being given publication, as provided in the next preceding paragraph, the notice of the intention of the Council to undertake any work as a local improvement shall be served by mailing the same to the present or last-known place of abode of the owners of the properties benefited thereby; and a declaration of the officer or person charged with the duty of giving any such notice that the same was mailed as stated in the declaration shall be accepted as conclusive evidence of the proper service thereof:

(1b.) It shall be sufficient if the notice of the proposed work or improvement, by a general description, describes the street, lane, alley, or place or the portion thereof whereon or wherein and the points between which the same is to be made or done, and the street, lane, alley, or place or portions thereof upon which the real property benefited and proposed to be specially assessed fronts or abuts; and the

number of such annual special assessments. It shall not be necessary in such cases to state the value of the real property rateable for the work or improvement or to impose a rate upon such real property by any description other than that hereinbefore mentioned:

(2.) In the event of any sufficiently signed petition as aforesaid against the proposed work or improvement being presented to the Council, no second notice for the same shall be given by the Council within two years thereafter: Provided, however, that a notice may be given within such two years if such notice is for a different kind of pavement, or for a less expensive pavement though of the same kind, than the one included in the notice previously given.

(3.) The number of the owners petitioning against the proposed improvement or work and the value of the real property which they represent may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf.

(4.) When notice of a proposed improvement, work, or service to be paid for by special assessment as a local improvement has been given by the Council, pursuant to the provisions of this Act, and no petition sufficiently signed as aforesaid has, within the time limited in that behalf by this Act, been presented to the Council against such proposed improvement, work, or service and assessment, it shall be lawful for the Council, in the same or any succeeding year, to carry on the proposed work, improvement, or service to completion before making the assessment therefor:

(a.) A notice so given shall stand good as the authority for undertaking any such work, improvement, or service, and for making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the Council giving such notice or by any succeeding Council.

(5.) Any owner of real property to be benefited by the construction of any work or improvement, the cost of which is payable by local special assessment under sections 11 to 25 of this Act, may, notwithstanding that his name does not appear on the last revised assessment roll, petition for or against such local improvement upon satisfying the City Clerk, by statutory declaration or otherwise, that he is the owner of the property instead of the person assessed therefor upon such last revised assessment roll.

Short Form of Local Improvement By-laws.

1907, c. 61, s. 18. (1.) Where a by-law made according to the form set forth in Schedule A annexed to this Act or any other by-law expressed to be made in pursuance of this section or referring thereto, passed by the Council for borrowing money by the issue of debentures secured by local special rates on the property benefited thereby, contains any of the forms of words contained in column

Form of local improvement by-laws.

one of Schedule B hereto annexed and distinguished by a number therein, such by-law shall be taken to have the same effect and shall be construed as if it contained the form of words contained in column two of said Schedule B and distinguished by the same number, but it shall not be necessary in any such by-law to insert any such number.

(2.) Any by-law which fails to take effect by virtue of this section shall, nevertheless, be as effectual to bind the Corporation, the Council of which passed such by-law, as if this Act had not been passed.

Notice may be given in lieu of Advertising By-law.

By-laws need not
be advertised.

1907, c. 61, s. 19. (1.) No by-law passed under the provisions of section 11 of this Act shall require to be advertised in any newspaper, but a written or printed, or partly written and partly printed, notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners and lessees having the right to petition, or to the agents of such owners and lessees.

Contents of Notice and how served.

(2.) Every such notice shall contain a general description of the property in respect of which the same is given, and the nature of the improvement, work, or service, the estimated or actual cost thereof, the amount of the frontage of the particular piece of property, and the time and manner in which the special assessment is to be payable, and shall be signed by the Assessment Commissioner or other officer appointed by the Council for the purpose, and shall, at least fifteen days before the time appointed for the sitting of the Court, be mailed to the address of the person entitled to receive the notice. Ten days' notice of the time and place of the meeting of the said Court shall also be given by publication in some newspaper having a general circulation, which notice shall specify generally what such assessment is for and the total amount to be assessed.

(3.) The said notice may be in the form or to the effect following:—

Take notice that the Council of the Corporation of the City of Vancouver intends to construct [or has constructed, *as the case may be*] [*describing the work or improvement on (or in) Street, between (describing the points between which the work or improvement is to be made or done)*], and intends to assess a portion of the final cost thereof upon the real property to be immediately benefited thereby fronting or abutting upon [*give the name or names of the street, lane, alley, or place, or streets, lanes, alleys, or places, and the points between which the real property fronts or abuts, upon which the proposed special assessment is to be made, and the annual rate per foot on the frontage upon each street and the number of such annual assessments*]; and that a statement showing the lands liable to and proposed to be specially assessed

for the said improvement [or work], and the names of the owners thereof, so far as the same can be ascertained from the last revised assessment roll and otherwise, is now filed in the office of the Assessment Commissioner, and is open for inspection during office hours. The cost [or estimated cost, *as the case may be*] of the improvement [or work] is \$, of which \$ is to be provided out of general funds of the city.

A Court of Revision will be held on the day of , 190 , at the hour of , at the [insert the place of meeting] for the purpose of hearing complaints against the proposed assessment or the accuracy of frontage measurements, or any other complaint which the persons interested may desire to make and which is by law cognizable by the Court.

Dated .

.....
Assessment Commissioner.

(4.) The Council shall, for the purpose of making the special assessment for the cost of any work, improvement, or service, procure a measurement to be made of the frontages liable to assessment for such cost and of the frontages exempt from taxation, and shall for at least ten days before the time fixed for hearing appeals from such assessment keep a statement of the same open for inspection in the office of the Assessment Commissioner.

Appeals to Court of Revision Judge.

(5.) From any such assessment or proposed assessment there shall be the right of appeal to the City Council or any committee thereof, by by-law duly appointed, sitting as a Court of Revision, and from the Court of Revision to a Judge of the Supreme Court. The Court of Revision and the Judge shall have power to correct any errors in the names of the owners or in the frontage measurements of the properties assessed or caused by the omission of property which should be assessed, and to determine the proportion of assessment of corner lots or triangular or other irregular pieces of land, and the proportion of the cost to be borne by the Corporation where the cost exceeds the estimates by ten per cent., and also whether or not the property is or will be benefited by the work or improvement; and the proceedings thereon shall be the same (as nearly as practicable) as in the case of appeals from ordinary assessment under the "Assessment Act, 1903."

(6.) Wherever an appeal lies from the Court of Revision to a Judge of the Supreme Court under sections 11 to 25, inclusive, of this Act, the said Judge in addition to his other powers under this Act, may inquire and determine what lands (if any) other than those included in the assessment appealed from are or will be specially benefited by the proposed work or improvement, and may add such lands to the lands to be assessed, notwithstanding that such lands may not have been specified in any notice of appeal to the said Judge; and the said Judge shall cause all persons who may be

affected by the addition of their lands to the lands so to be assessed to be notified of the time and place when the said appeal and matter will be considered, and may for that purpose, from time to time, adjourn the hearing of the said appeal.

When Assessment becomes final.

(7.) The statement referred to in the two preceding subsections, unless so far as the same is altered or varied by the Court of Revision or a Judge of the Supreme Court upon appeal, shall be final and conclusive as to all matters therein contained.

(8.) Where the proposed assessment has been regularly brought before a Court of Revision and a Judge of the Supreme Court (in case there has been an appeal to such Judge), it shall not be necessary to submit to another Court of Revision the by-law for the actual cost of the work or improvement when such actual cost does not exceed by more than ten per cent. the estimated cost thereof as submitted to the Court of Revision.

Power to incur Debts for the Cost of Local Improvements.

Council may incur
debts for cost of
local improvements

1907, c. 61, s. 20. (1.) The Council may make agreements with any bank, or with any person or body corporate, for temporary advances and loans for meeting the cost of the work or improvement until the completion thereof, and may in their option make the special assessments for the cost thereof after the work or improvement has been completed, and may then pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

(2.) Every by-law passed under the preceding subsection for borrowing money by the issue of debentures as aforesaid shall provide for the repayment of the loan and the maturing of the debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the Engineer or other proper officer to be appointed by the Council for that purpose.

(3.) If a debt has been incurred by the Corporation for any work done or improvement constructed under the provisions of this Act, and if after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor is set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in making such assessment or passing such by-law, it shall be lawful for the Council, and they are hereby authorized, to cause a new assessment or assessments to be made, and to pass a new by-law, so often as may be necessary to provide funds for the payment of the debts so incurred for such work or improvement.

(4.) Nothing herein contained shall be construed as authorizing any assessment to be made, or any work or improvement to be undertaken, unless the same has been initiated in some one of the three methods by law provided, namely:—

- (a.) Either on the report of the Engineer or other sanitary officer, and of a committee of the Council, adopted by the Council, recommending the proposed work or improvement for sanitary or drainage purposes; or
- (b.) On a sufficiently signed petition of the owners of the real property to be benefited; or
- (c.) After due notice, as above provided, of the proposed assessment and no sufficiently signed petition of the owners, as hereinbefore defined, of the real property benefited being presented to the Council against the proposed assessment within the time limited therefor.

1907, c. 61, s. 21. The Council shall have power to pass a by-law to agree and settle as upon a quantum meruit with any contractor or contractors for any work which has been done or shall be done as a local improvement, where it shall consider the work to have been performed sufficiently for the purposes of such local improvement although not in strict compliance with the contract, and the amount so agreed upon and fixed shall be the amount or part of the amount, as the case may be, for which an assessment may be made upon the properties benefited by such local improvement: Provided that nothing herein shall be construed to enlarge or extend the rights (if any) of any contractor as against the Corporation, unless the Council thereof shall see fit to pass a by-law hereunder, and then only subject to the terms of such by-law.

Council may pass by-law to settle for work done, though not in strict compliance with contract.

SPECIAL PROVISIONS AS TO ASSESSMENTS FOR LOCAL IMPROVEMENTS.

(1.) *As to Sewers.*

1907, c. 61, s. 22. (1.) In ascertaining and determining the cost of draining any locality or of making and laying or prolonging any common sewer, the Council may estimate the cost of the construction of branch drains from the drain or sewer to the line of street, and may, in making the assessment for such drains or sewers, include the cost of such branch drains as part of the cost of the local improvement, or may assess and levy the cost thereof by a special rate upon the lands benefited thereby instead of by a frontage rate. The provisions of this section shall apply to sewers heretofore constructed as well as to those hereafter constructed.

Special provisions.

(2.) Where, in order to afford an outlet for the sewerage and drainage of real property other than that fronting or abutting upon the street in which a sewer is proposed to be or is constructed, such sewer is proposed to be or has been constructed of a larger capacity

than that required for the efficient sewerage and drainage of the real property fronting or abutting upon the street, the Council may impose a special assessment upon any other real property benefited by the construction of such sewer in the manner provided by sections 23 and 24 of this Act.

As to Pavements.

(3.) In case the Council is about to construct, renew, or alter the character of a pavement on any street, highway, or public place, or portion thereof, as a local improvement, the Council may, before putting down such pavement, put in all necessary private drain connections from any existing drain or sewer upon such street or portion thereof to the street-line on each side of the drain or sewer, and also all necessary water-mains, and may assess and levy the cost thereof, and of any alterations of service-pipes and stop-cocks thereby necessitated, against the properties benefited thereby as part of the cost of the said local improvement, pursuant to the provisions of section 11 of this Act.

As to Corner and Irregular Lots.

(4.) The Council may, by by-law, provide an equitable mode of assessing for local improvements, works, and services, corner lots, triangular or other irregular-shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value, and superficial area of such lots, as compared with adjoining lots and pieces of land assessable for such improvements, works, and services, and may charge the amount of any allowance made on any such lot or piece of land on the other real property fronting on the improvements, or may assume the same as a portion of the Corporation's share of the works or improvements. Any such assessment shall be subject to appeal to the Court of Revision, and from the Court of Revision to a Judge of the Supreme Court as in this Act provided.

Lands on same Street unequally benefited.

(5.) Where the lands on either side of a street, lane, or alley in the city are, in the opinion of the Council, unfit from any cause for building purposes, and the Council deems it inequitable to assess the same for local improvements at so high a rate as the building lots fronting on said street, lane, or alley, the Council shall in all such cases determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively.

Lands fronting on Parks, Boulevards, etc.

(6.) Real property adjoining and fronting on any park, square, public drive, or boulevard shall be specially assessable for and in

respect of the improvements, works, and services made, done, or provided upon or in any such drive or boulevard in like manner as real property fronting or abutting upon any public street, but where a public park, square, drive, or boulevard exists or may hereafter be established, the lands adjoining it not exempt from taxation shall be assessable only in respect of such improvements, works, and services to the extent to which such lands are specially benefited by such improvements, works, and services; and where the lands on one side of such drive or boulevard are a public park or square, or for other reasons are exempt from taxation, at least one-half of the cost of such improvements, works, and services shall be borne by the Corporation generally:

- (a.) No petition shall avail to prevent the carrying-out of any local improvement, work, or service in any such park, square, drive, or boulevard, and the making of special assessments therefor as aforesaid.

BRIDGES, STREET EXTENSIONS, SIDEWALKS, ETC.

Property not fronting or abutting may be assessed.

1907, c. 61, s. 23. (1.) Where in the opinion of the Council it is expedient and necessary to construct or repair bridges or culverts on any street, lane, or alley, or to open up or extend any street, lane, or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the Council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvements on the lands fronting thereon, the Council shall determine what lands are benefited by such works or improvements, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion (if any) of the cost of the improvement which shall be assumed by the city as its share thereof:

Bridges, culverts,
sidewalks, etc.

- (a.) The share or proportion of the cost of such improvement assumed by the City of Vancouver may be provided for by the issue of debentures upon the credit of the City of Vancouver at large, in like manner as in the case of the share of the City of Vancouver of other local improvements:
- (b.) All assessments made under the above provisions shall be subject to an appeal to the Court of Revision and from the Court of Revision to a Judge of the Supreme Court, in like manner as in the case of other special assessments for local improvements under the provisions of this Act.

(2.) In case of the construction or repair of a bridge or culvert, or the opening-up or extension of any street, lane, or alley—if the Council determines that any real property other than that fronting or abutting on the street, lane, or alley, or the portion thereof whereon or wherein the improvement is made, or to be made, is specially

benefited, and ought to be charged with a part of the cost thereof, and determines the proportion in which the cost of the improvement shall be assessed against the land so benefited—the Council shall assess and levy the proportion of the cost chargeable against the lands benefited by but not fronting or abutting upon such street, lane, or alley by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, or the portion thereof whereon or wherein the improvement is made or to be made.

(3.) Or the Council may, by by-law, provide that the costs of the works therein specified may be assessed and levied by a special rate upon the lands benefited thereby according to the proportion of benefit received therefrom instead of by a frontage rate, as hereinbefore provided.

*When Corporation may contribute Part of the Cost of Bridges,
Pavements, etc.*

1907, c. 61, s. 24. In any case where a Council affirms by a two-thirds vote thereof that the constructing, erecting, or making of any bridge, culvert, or embankment benefits the Corporation at large, and that it would be inequitable to raise the whole cost of such improvement or work by local special assessments, the Council may pass a by-law for borrowing money by the issue of debentures upon the credit of the Corporation at large to provide as the Corporation's share of the cost of such improvement or work, an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof.

Sidewalks constructed by Private Owners.

1907, c. 61, s. 25. The Council may permit the owner or owners of lands to build or improve the sidewalk in front of his or their lands, under the direction of the Council or an officer thereof appointed for that purpose, and according to such plans and regulations as the Council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as they keep the same in repair to the satisfaction of the Council.

*Sidewalks of certain Materials may be laid without Petition or
Notice.*

1907, c. 61, s. 26. Notwithstanding anything contained in any by-law of the City of Vancouver, the Corporation may construct and lay down a sidewalk of the following material, namely, plank, gravel, or cinders, or a combination of any one or two of such materials with tar and sand or of cement, concrete, or brick, upon and along

any street, lane, alley, or other thoroughfare or park in the said city as a local improvement, and the cost thereof may be assessed against the properties fronting or abutting thereon, if such sidewalk is, in the opinion of two-thirds of the members present at any regular meeting of the Council, desirable in the public interest.

Cost of Local Improvements opposite Street Intersections or Exempt Properties.

1907, c. 61, s. 27. (1.) In case of a special assessment being made on property benefited by any local improvement, the Council (if they think fit) may, by by-law, provide for constructing, at the expense of the general funds of the City of Vancouver, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment; and the Council may provide for the cost thereof in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or of any special Act, as to said Council may seem best, and subject to such by-laws as the Council may pass in that behalf.

(2.) The by-law authorizing the issue of the debentures need not be submitted for the assent of the electors of the City of Vancouver; and the debentures issued to pay for that part of the work payable by local assessment may, if the Council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the Corporation, or all the debentures required for the work may be issued in one series, as "local improvement debentures."

EXEMPTION OF LOCALLY ASSESSED PROPERTIES FROM GENERAL RATES FOR LIKE PURPOSES.

1907, c. 61, s. 28. (1.) Any real property specially assessed by the Council for any local improvement or work under this Act shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment, and such exemptions shall be upon the value of the lands only and not on the improvements thereon.

(2.) Where a local improvement or service is petitioned for and the petition is by two-thirds in number of the owners of the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the Council.

(3.) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the Council may accede to the proposal for an arbitration.

(4.) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by a Judge of the Supreme Court, unless some person or persons is or are agreed to in that behalf by the petitioners and the Council.

(5.) Where by reason of a special assessment the owners are exempted from a general rate for the like purpose as aforesaid, the Council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the Corporation, and shall state the same in such manner as may give effect to this section.

(6.) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the Corporation.

Council may pass by-laws to raise loans for local improvements, etc.

1907, c. 61, s. 29. (1.) The Council may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works on the credit of the city at large; and it shall not be necessary to obtain the assent of the electors to the passing of any such by-law under the provisions of this Act.

Debentures issued under local improvement by-law not part of general debt.

(2.) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of the city, within the meaning of this Act, and it shall not be necessary to recite the amount of the local improvement debt so assured by special rates or assessments in any by-law for borrowing money on the credit of the City of Vancouver at large as aforesaid, but it shall be sufficient to state in any such by-law that the amount of the general debt as therein set forth is exclusive of local improvement debts, secured by special rates or assessments.

EXTENSION OF LOCAL IMPROVEMENT SYSTEM.

Sweeping, Lighting, and Watering Streets.

Council may pass by-laws for sweeping, watering, or lighting streets.

1907, c. 61, s. 30. (1.) The Council may pass by-laws for raising, upon the petition of at least two-thirds of the persons resident in any street, square, alley, or lane, whose names appear upon the last revised assessment roll as freeholders or tenants of the assessed real property therein representing in value one-half of the said assessed real property, such sums as may be necessary for sweeping, watering, or lighting the street, square, alley, or lane, including furnishing, installing, providing, constructing, and erecting orna-

mental street standards for electric or other lighting upon or along same, by means of a special rate on the real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council; but the Council may charge the general corporate funds with the expenditure incurred in such sweeping, watering, or lighting, or furnishing, installing, providing, constructing, or erecting ornamental street standards for electric or other lighting, as aforesaid. 1911, c. 75, s. 16; 1912, c. 59, ss. 16, 19.

(2.) The Council may also, by by-law, designate certain streets or parts of streets or define certain areas or special sections within the municipality in which the streets should be watered, swept, and lighted, or upon or along which ornamental street standards for electric or other lighting should be furnished, installed, provided, constructed, and erected, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, or according to the assessed value thereof when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council, in order to pay any expenses incurred in watering, sweeping, or lighting such streets, or furnishing, installing, providing, constructing, or erecting ornamental street standards for electric or other lighting upon or along same. 1911, c. 75, s. 17; 1912, c. 59, s. 17.

Define areas which should be watered, swept, or lighted.

Cutting Grass and Weeds—Trimming Trees or Shrubby.

(3.) The Council may also include in either of the foregoing by-laws the cutting of grass and weeds and trimming the trees or shrubbery on any street, square, alley, or lane, and otherwise cleaning the same.

Cutting grass and weeds, etc.

Removing Snow, Ice, and Dirt.

(4.) The Council may also, by by-law, define certain areas or sections within the Corporation in which all snow, ice, and dirt and other obstructions shall be removed from the sidewalks, streets, lanes, or alleys in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or other obstruction.

Removing snow, ice, and dirt.

144. [*Repealed, 1907, c. 61, s. 33.*]

1907, c. 61, s. 33. Sections 134, 135, 136, 137, 138, 139, 141, 142, and 144 of said chapter 54 are hereby repealed, but nothing in this Act contained shall in any way affect any by-law or by-laws heretofore passed in pursuance of said sections or any of them.

Repeals ss. 134, 135, 136, 137, 138, 139, 141, 142, and 144.

Ss. 11 to 33 effective
5th June, 1907.

1907, c. 61, s. 34. Sections 11 to 33 (inclusive) of this Act shall not come into force until the fifteenth day of June, 1907.

Actions and Judgments against the City.

Actions to be commenced within six months.

145. All actions or suits for indemnity for any damages or injuries sustained by reason of any negligence or neglect of duty by the city shall be commenced within six months after the cause of such action shall have arisen, but not afterwards; in case there shall be a continuation of damages, then within one year after the original cause of action first arose. 1911, c. 75, s. 12.

Actions against person for anything done in pursuance of this Act.

146. Any action against any person for anything done in pursuance of this Act shall be brought within three months next after the act committed; or in case there shall be a continuation of damages, then within six months after the original cause of action first arose.

Tender or payment into Court.

147. The Council, upon any claim being made or action brought for damages for alleged negligence on the part of the city, may tender or pay into Court (as the case may be) such amount as they may consider proper compensation for the damage sustained; and in the event of the non-acceptance by the claimant of such tender or of the amount paid into Court, and of the action being proceeded with, and no greater amount being recovered than the amount so tendered or paid into Court, the costs of suit shall be awarded to the defendants, and set off against any amount recovered against them.

Enforcing judgments against city.

148. In the event of a final judgment or judgments obtained against the Council in any Court of law having jurisdiction in this Province in respect of any debt due by said Council to any person or persons, company or corporate body, residing or being in the said Province or elsewhere, and the said Council being unable, or from any cause unwilling, or refusing to pay the same, the Sheriff of the district in which said city is situated shall issue a warrant under his hand and seal, directed to the Assessor or Assessors of the city for the time being, whose duty it shall then be, with all due diligence, to proceed and make a special assessment of all real and personal property within the limits of said City of Vancouver liable to taxation in the same manner in which the annual assessment is made, and to return the assessment rolls to the said Sheriff, who shall cause a Collector's roll to be made out from said assessment roll, and shall levy an equal special rate on all property so assessed, such rate to be sufficient when collected (and allowing a reasonable allowance for uncollectable taxes) to pay the said judgment or judgments, together with legal costs and expenses; and the said Sheriff shall place the said rolls in the hands of the Collector for

Special assessment to be made and rate levied.

the city for the time being, whose duty it shall be to proceed with all due diligence to collect the said special rate in the same manner as herein provided for the collection of taxes levied by the said Council, and to make a return thereof to the said Sheriff in the same manner as herein provided for the return to the Treasurer of the ordinary taxes levied by said Council, and the Sheriff shall forthwith pay the amount of the said judgment or judgments out of such special rate so levied and collected, and shall pay the said Assessor or Assessors and Collector for their services, as herein provided, a reasonable sum, based upon the actual time occupied in making such assessment and collection:

- (1.) Any amount remaining in the possession of said Sheriff of the said special rate (levied and collected as herinbefore provided), after payment of the said judgment or judgments, and all legal costs connected therewith, shall be forthwith paid by him to the Treasurer of the city for the general purposes of the said city, and he shall also make a return of the said Assessor's and Collector's rolls, an account in detail of all expenses and disbursements and costs, and all proceedings connected therewith, to the City Clerk, who shall lay the same before the Council at the next meeting thereafter:
- (2.) The said Council shall, if it see fit to do so, submit the account of the said Sheriff, of the expenses, disbursements, and costs arising out of or connected with the said special assessment, to one of the Judges of the Supreme Court, who shall, on notice to said Sheriff, tax the same and allow such items as to him shall seem just and right: *Provided* that no execution shall issue in any suit against the city until the expiration of twenty days after the entry of final judgment therein.

Sheriff to pay
overplus (if any)
to Treasurer.

Sheriff's costs, etc.,
to be taxed.

Remedy Over in Case of Action.

149. In case an action is brought against the Corporation to recover damages sustained by reason of any obstruction, excavation, or opening in or near to a public highway, street, or bridge placed, made, left, or maintained by any person, persons, or body corporate, other than a servant or agent of the Corporation, or to recover damages sustained by reason of any negligent or wrongful act or omission of or failure to comply with the provisions of any by-law of the city by any person, persons, or body corporate, other than a servant or agent of the Corporation, the Corporation shall have a remedy over against such person, persons, or body corporate, and may enforce payment accordingly of the damages and costs (if any) which the plaintiff in the action may recover against the Corporation.

Remedy over in
case of action
against Corpora-
tion, etc.

Corporation to have such remedy over in same action.

150. The Corporation shall be entitled to such remedy over in the same action if the other person, persons, or body corporate is made a party to the action, and if it is established in the action as against such other person, persons, or body corporate that the damages were sustained by reason of an obstruction, excavation, or opening in or near to a public highway, street, or bridge placed, made, left, or maintained by such person, persons, or body corporate, or by reason of any negligent or wrongful act or omission of any person, persons, or body corporate, other than a servant of the Corporation; and the Corporation may in such action have the other person, persons, or body corporate added as a party defendant or third party for the purposes hereof (if not already a defendant in the action jointly with the Corporation); and the other person, persons, or body corporate may defend such action as well against the plaintiff's claim as against the claim of the Corporation to a remedy over, and the Court or Judge, upon the trial of the action, may order costs to be paid by or to any of the parties thereto, or in respect of any claim set up therein, as in other cases.

Adding as party defendant.

In any case Corporation to have remedy over.

151. If such other person, persons, or body corporate be not a party defendant to such action, or be not added as a party defendant or third party, or if the Corporation has paid the claim for such damages before any action is brought to recover the same, or before any recovery of damages or costs against the Corporation therein, the Corporation shall have a remedy over by action against such other person, persons, or body corporate for such damages and costs as have been sustained by reason of any obstruction, excavation, or opening placed, made, left, or maintained by such other person, persons, or body corporate.

Validity of judgment admitted, when.

152. Such other person, persons, or body corporate shall be deemed to admit the validity of the judgment (if any) obtained against the Corporation in cases only where a notice has been served on such other person, persons, or body corporate pursuant to the provisions of the Rules of Court made under the "Supreme Court Act," or where such other person, persons, or body corporate has admitted or is estopped from denying the validity of such judgment.

Proceedings when no notice has been served, etc.

153. Where no such notice has been served, and there has been no such admission or estoppel, and the other person, persons, or body corporate has not been made a party defendant or third party to the action against the Corporation, or where such damages have been paid without action, or without recovery of judgment against the Corporation, the liability of the Corporation for such damages, and the fact that the damages were sustained by reason of an obstruction, excavation, or opening placed, made, left, or maintained by the other person, persons, or body corporate, must be established

in the action against such other person, persons, or body corporate to entitle the Corporation to recover in such action.

154. Where a solicitor or counsel is employed by the Council, whose remuneration is wholly or partly by salary, annual or otherwise, the Corporation shall, notwithstanding, have the right to recover and collect lawful costs in all actions and proceedings in the same manner as if the solicitor or counsel was not receiving a salary, when the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary.

Solicitor or counsel.

Right of Corporation to costs.

Printing, Stationery, and Supplies.

155. It shall be the duty of the City Clerk, on or before the first day of January in each and every year, to advertise for tenders for all printing and blank-work of any kind and description; and such tenders when received shall be opened by the City Clerk, subject to such restrictions as the Council shall determine, and the Council may enter into such contract as may seem desirable in the interests of the city.

Tenders for printing to be called for annually.

156. The City Clerk, or Purchasing Agent if appointed, and no other officer or person on behalf of the city shall order and purchase all supplies so far as the same relate to paper, envelopes, stationery, and sundries, and he shall issue the same upon the written requisition of the several boards and heads of the city government. He shall keep a record of all such purchases and requisitions in a book provided for that purpose, and shall make therefrom a semi-annual report, in detail, to the Council. A transcript of all bills for printing, stationery, and blank-work of every description used in the several departments shall be filed with the City Clerk, who shall enter the same upon the record, and include the same in his report as herein provided.

Purchase of stationery, etc., and requisitions for,

157. It shall be lawful for the Council to appoint, by by-law, a Purchasing Agent, who shall be empowered to purchase goods, stores, and supplies for the city, subject to such regulations and restrictions as may be contained in the said by-law.

Purchasing Agent.

158. No bills for printing and supplies as are contemplated by this Act shall be allowed unless they are contracted for under the provisions of this Act.

Bills for printing and supplies otherwise ordered not to be paid.

159. All bills contracted for under the provisions of this Act, before they are paid, shall have the endorsement of the City Clerk, or Purchasing Agent if appointed, and the heads of the department to which the said goods were supplied.

All bills to be certified by Clerk.

160. It shall be lawful for the Council in awarding any contract for work or supplies to stipulate a minimum wage to be paid to all

Stipulations in contract as to minimum wage.

persons engaged upon or working upon or in connection with such contract, or in the discretion of the Council to stipulate that all materials supplied under any contracts shall have affixed thereto or impressed thereon what is commonly known as the "union label."

Licensing (Liquor).

Liquor licences.

161. All licences for the sale of intoxicating liquors shall be granted and issued by a Licensing Board which shall consist of five members, of whom the Mayor or Acting-Mayor shall be one, two persons who shall be elected annually by the voters qualified to vote for Mayor at the time and in the manner directed for the election of Mayor, and two persons who shall be appointed annually by the Lieutenant-Governor in Council. The term of office of such Commissioners shall expire at the same time as that of the Aldermen for such city, and any three members of the Board may form a quorum. The Board shall also have the power to transfer or revoke any liquor licence. 1911, c. 75, s. 13.

Licensing Board
may pass by-laws,
etc.

162. The Licensing Board of the city may from time to time, by resolution of a majority of their number, pass by-laws for granting, refusing, cancelling, and defining the conditions and requirements to obtain hotel, restaurant, and saloon licences for the retail within the city of spirituous, fermented, or other intoxicating liquors, shop licences for the sale within the city of such liquors in shops or places of public entertainment, and also wholesale licences for the sale by wholesale within the city of such liquors in warehouses, stores, or shops, and also licences to bar-tenders selling, dispensing, providing, or disposing of any such liquors in hotels or restaurants; for imposing and enforcing a penalty or penalties, and directing the mode of collecting and collecting the same, and in default of payment imposing a penalty by way of fine or imprisonment against persons for selling intoxicating liquors within the City of Vancouver without first having obtained a licence therefor from the proper officer or officers whose duty it may be to issue the said licence or licences, or for otherwise infringing any of the provisions of any such by-laws, and for limiting the number of licences for hotels, shops, and saloons to be issued in the city, and for regulating and cancelling of licences

Wholesale licences.

Penalty.

Cancelling licences.

before the expiry of the time for which such licences were issued, and for appointing inspectors or such other officers as the Board may deem necessary for the efficient regulating of houses of entertainment or other places for the sale of liquor, and for the efficient regulating and governing of hotels, restaurants, shops, saloons, and places for which licences to sell liquor have been issued, and in which liquor is sold, and the proprietor or proprietors of the same, and bar-tenders selling, dispensing, providing, or disposing of any such liquors in same, and regulating the sale of such liquors: Provided this section shall not be construed to empower the Board to pass

Board has no power
to pass by-law to
regulate fees.

any by-law to regulate the fees or duties upon any licence for the sale within the city of spirituous or other intoxicating liquors. Any by-laws passed by the Board under this section shall have the full force and effect of city by-laws, and as if they had been passed by the Council under the powers conferred on them to pass by-laws by this Act. In and by any such by-laws the Licensing Board may impose penalties for the infraction thereof, which shall be recoverable in the same manner as penalties for the infraction of any by-laws passed by the Council of the city. In the event of any person holding a licence under the provisions hereof or of any by-law passed thereunder being convicted in any Court of the Province three times for any offence against the provisions hereof, or of any by-law passed thereunder, whether such convictions were made during any one or more years but while such person holds a licence, his licence shall thereupon become ipso facto void and forfeited, and such person shall not be capable of holding or being interested in, directly or indirectly, any licence issued under the provisions hereof for a period of three years from the date of the last of such convictions. 1910, c. 79, s. 16; 1911, c. 75, s. 14.

Effect of such by-laws.

Convicted three times.

163. No sale or other disposal of liquors shall take place in any hotel or saloon licensed for the sale of intoxicating liquors on any polling-day for any civic election between the hours of nine in the morning and seven in the evening.

Saloons to be closed on polling-day.

164. The Mayor, with any one Justice of the Peace or Police Magistrate alone, upon complaint made on oath to them, or any of them, of riotous or disorderly conduct in any hotel, inn, or tavern, ale or beer house situate in the city, may summon the keeper of an hotel, saloon, inn, tavern, ale or beer house to answer the complaint, and may investigate the same or hear the same summarily, and either dismiss the complaint or convict the keeper of having a riotous and disorderly house, and annul his licence or suspend the same for not more than one hundred days, with or without costs, as in their discretion may seem just.

Mayor, etc., may summon hotelkeeper, etc., of riotous or disorderly conduct in hotel.

1913, c. 96, s. 11. Notwithstanding anything contained in the principal Act and amendments thereto, all the provisions (excepting those in Part I.) of the "Liquor Licence Act" and amendments thereto shall apply to the City of Vancouver.

Liquor Licence Act to apply.

Police Magistrate.

165. Every Police Magistrate in and for the said city shall be appointed by the Lieutenant-Governor in Council, and shall hold office during pleasure, and any such appointments may be cancelled by the order of the Lieutenant-Governor in Council. The Lieutenant-

Appointment of Police Magistrate.

Salary.

Governor in Council shall, by an Order in Council, fix, and may from time to time vary, the salary to be paid to such Magistrate, and said salary shall be paid by the municipality.

Every Police Magistrate is ex officio a Justice of the Peace.

166. Every Police Magistrate appointed under this Act by the Lieutenant-Governor in Council shall ex officio be a Justice of the Peace for the electoral district for which, or for part of which, he has been so appointed.

Police Magistrate to be Stipendiary Magistrate within certain jurisdiction.

167. The Police Magistrate, by virtue of his appointment as Police Magistrate, shall be a Stipendiary Magistrate for the jurisdiction in which he exercises the office of Police Magistrate, and shall have and exercise within the city all the lawful powers and authorities which are by law had and exercised by any Stipendiary Magistrate of this Province, and shall have full power to do alone whatever is authorized by any Statute in force in this Province to be done by two or more Justices of the Peace; and every Police Magistrate shall have such power while acting anywhere within the electoral district for which he is ex officio a Justice of the Peace.

If Police Magistrate ill or absent, two Justices may act.

168. In case of the illness or absence, or at the request of the Police Magistrate, any two or more Justices of the Peace may act in his place in any matter within the jurisdiction of the Police Magistrate, and such Justices of the Peace, or a majority of them, shall in such case have all the powers which by any Statute are given to Police Magistrates in the Province; but this section shall not be construed to prevent one Justice of the Peace from acting for a Police Magistrate wherever by law one Justice of the Peace has jurisdiction in that behalf.

Oath to be taken by Magistrate.

169. The following oath, and also the oath of allegiance, as set forth in Form B of the "Magistrates Act," shall be taken by the Police Magistrate, and the same may be taken before any Justice of the Peace, who is hereby authorized to administer the same:—

I, _____, swear that, as Police Magistrate for the Corporation of the City of Vancouver, in the Province of British Columbia, in all articles in the Queen's Commission to me directed, I will do equal right to the poor and to the rich, after my cunning, wit, and power, and after the laws and customs of the realm and Statutes thereof made, and that I will take nothing for my office of Police Magistrate to be done but of the Queen, and fees accustomed, and costs limited by Statute. So help me God.

(Signature of Police Magistrate.)

Sworn and subscribed by the said _____ before me, at _____ this _____ day of _____, 19 _____.

Oath to be sent to Provincial Secretary.

170. Every oath of office or allegiance taken by a Police Magistrate shall forthwith, after the same is taken, be transmitted or delivered by the Police Magistrate to the Provincial Secretary, who shall file the same among the records of his office.

171. Neither the Police Magistrate, nor partner nor clerk of his, shall act as solicitor, agent, or counsel in any cause, matter, prosecution, or proceeding of a criminal nature; nor shall such Police Magistrate, partner, or clerk act as aforesaid in any case which by law may be investigated or tried before a Magistrate or Justice of the Peace.

Police Magistrate
not to act as
solicitor, etc., in any
criminal matter.

172. The Council of the city shall establish therein a police office, and the Police Magistrate shall attend at such police office daily, or at such times and for such period as may be fixed by the Council, for the disposal of the business brought before him as a Justice of the Peace:

Police office.

- (1.) Notwithstanding anything contained in the "Vancouver Incorporation Act, 1900," or in this Act, there shall be constituted for the City of Vancouver a Board of Commissioners of Police. Such Board shall consist of the Mayor for the time being of the city and two persons appointed annually by the Lieutenant-Governor in Council, one of whom must be a member of the Council of said city. The term of office of such Commissioners so appointed shall expire at the same time as that of the Aldermen for such city. In case of the absence or inability to act of the Mayor, the Council may appoint an Alderman to act in his place as such Commissioner during such absence or inability. The Mayor shall be ex-officio chairman of the Board, and any two members of the Board shall constitute a quorum for the transaction of business:
- (2.) The Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of the witnesses, and to compel them to give evidence, as is vested in any Court of law in civil cases. A notice to attend before the Board shall be sufficient, if signed by the chairman of the Board or any one of the Commissioners:
- (3.) All meetings of the Board of Police Commissioners shall be open to the press and public, unless otherwise decided by the Board.
- (4.) The police force of the City of Vancouver shall consist of a Chief of Police and as many constables and other officers and assistants as the Council may from time to time think necessary, such number not being less than that which the Board of Commissioners of Police may report to be absolutely required, and all members of such police force shall be appointed by and hold their office at the pleasure of the Board:

Board of Commis-
sioners of Police.

Examination of
witnesses by Board.

Meetings to be open
unless otherwise
decided.

Police force.

Regulations for
government of
police force.

(5.) The Board shall from time to time make such regulations as they may deem expedient for the government of the force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of its duties:

Police force to be
governed by Board.

(6.) The Chief of Police and all constables shall obey the lawful directions and be subject to the government of the Board, and shall be charged with the special duties of preventing infractions of the by-laws of the municipality, preserving the peace, preventing crime, and apprehending offenders, and shall have, generally, all the powers and privileges and be liable to all the duties and responsibilities which belong by law to constables:

Remuneration of
police force.

(7.) The Board shall fix the remuneration of the police, and the Council shall, subject to an appeal to the Lieutenant-Governor in Council, pay such remuneration and provide all such clothing, accoutrements, and other necessities as may from time to time be deemed requisite by said Board for the accommodation and use of the force: Provided that the Board shall, on or before the first day of February in each year, prepare and lay before the Council a detailed estimate of the sums required by the Board for the purpose of such payment of such remuneration, and provision of such clothing, accoutrements, and necessities for the accommodation and use of the force for the current year:

Gaol and lock-up.

(8.) The city shall provide a gaol and lock-up for the care and custody of the prisoners. 1904, c. 62, s. 11; 1912, c. 59, s. 14.

Justice of Peace
shall only act if
Police Magistrate
ill or absent.

173. No Justice of the Peace shall admit to bail or discharge a prisoner, or adjudicate upon or otherwise act in any case for the city, except in the case of the illness or absence or at the request of the Police Magistrate.

Deputy Police
Magistrate.

173A. The Lieutenant-Governor in Council may appoint a person to be a Deputy Police Magistrate in and for the said city, who shall hold office during pleasure, and shall receive from the municipality such salary as may be fixed from time to time by the Lieutenant-Governor in Council. 1911, c. 75, s. 20.

Police Magistrate
to assign duties
to Deputy Police
Magistrate.

173B. It shall be the duty of the Police Magistrate to arrange and provide, subject to the provisions of this Act, for the sittings of the Police Court, and to assign to the Deputy Police Magistrate such duties as may in his opinion be necessary and proper, and generally to control and direct the business of the Police Court, and it shall be the duty of the Deputy Police Magistrate to perform such duties and to carry out such directions. 1911, c. 75, s. 20.

173c. Subject to the next preceding section, all the provisions of this Act relating to the Police Magistrate shall, *mutatis mutandis*, apply to the Deputy Police Magistrate. 1911, c. 75, s. 20.

Provisions of Act to apply to Deputy Police Magistrate.

174. The Council may appoint a Police Court Clerk and define his duties and salary.

Police Court Clerk. Salary.

175. The Mayor shall be ex-officio Justice of the Peace in and for the city during his term of office; the Mayor and Police Magistrate shall have jurisdiction to try and determine all prosecutions for offences committed against the by-laws of the city, for refusing to accept office therein or to make the declaration of qualification of office respectively, or in addition thereto the same rights and jurisdiction as other Justices of the Peace.

Mayor to be ex-officio Justice of the Peace. Jurisdiction of Mayor and Police Magistrate.

176. The Mayor or Police Magistrate before whom a prosecution is had for any offence may convict the offender on the oath or affirmation of any credible witness, and shall award the penalty or punishment imposed by law, with the costs of prosecution; and may by warrant under the hand and seal of the Justice, or other authority, or in case two or more Justices act together therein, then under the hands and seals of said Justices, cause any pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender.

May convict on oath of credible witness.

177. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the district gaol, house of correction, or nearest lock-up house for the time specified in the by-law, and with or without hard labour.

Justice may commit offender to gaol if no distress.

178. All pecuniary penalties levied under this Act shall go to the Corporation of the city.

Penalties to go to city.

179. The gaoler of the district shall be bound, and he is hereby authorized and required, to receive and safely keep until duly discharged all persons committed to his charge by the Mayor, Police Magistrate, or any Justice of the Peace having jurisdiction in the said city, and the city shall pay to the Province or other duly constituted authority having jurisdiction such compensation therefor and for the care and maintenance of persons as may be mutually agreed on, or be fixed by the Lieutenant-Governor in Council in case of disagreement.

Gaoler to receive all persons committed to his charge.

180. All fines and penalties imposed under this said Act, or for enforcing any law of this Province made in relation to any matter coming within any of the classes enumerated in section 92 of the "British North America Act, 1867," imposed within the said city, and to which the city may be entitled, and all fines and penalties for offences against the by-laws of the City shall be paid into the city exchequer.

All fines to be paid into city exchequer.

Form of conviction.

181. It shall not be necessary in any conviction made under any by-law of the Corporation to set out the information, appearance, or non-appearance of the defendant, or the evidence or by-law under which the conviction is made; but all such convictions may be in the form following:—

PROVINCE OF BRITISH COLUMBIA, }
CITY OF VANCOUVER. }
To Wit:

BE IT REMEMBERED that on the day of , A.D. , at , in the County of , A. B. is convicted before the undersigned, , in and for the said city, for that the said A. B. [*stating the offence and time and place, and when and where committed*] contrary to a certain by-law of the City of Vancouver, passed on the day of , A.D. , and intituled [*reciting the title of by-law*]; and I adjudge the said A. B., for his said offence, to forfeit and pay the sum of , to be paid and applied according to law, and also to pay to C. D., the complainant, the sum of for costs in this behalf. And if the several sums are not paid forthwith [*or on or before the day of , as the case may be*], I order that the same be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress, I adjudge the said A. B. to be imprisoned in the common gaol of the said City of Vancouver for the space of unless the said several sums and the costs of the said distress and of the committal and conveyance of the said A. B. to such gaol are sooner paid.

Given under my hand and seal, the day and year first above written, at the said City of Vancouver.

All by-laws authorizing, in default of payment, imprisonment declared to be good and valid.

182. All by-laws authorized under the provisions of this Act which have been or which may hereafter be enacted, and which have imposed or may impose fines and penalties and the recovery thereof with costs by summary conviction, and which authorizes, in default of payment, the commitment of the offender to the common gaol, house of correction, or lock-up house of the county or municipality unless such fine and costs, including the costs of the committal and conveyance to the common gaol, house of correction, or lock-up house, are sooner paid, are hereby declared to be good and valid, notwithstanding that such by-law, amongst other things, authorizes the imprisonment of the accused during the period for which by law he might be imprisoned unless such costs of committal and conveyance to the common gaol, house of correction, or lock-up house are sooner paid; and no conviction shall by reason only that it includes the cost of such conveyance and committal be impeached, quashed, or set aside.

Park Commissioners.

Park Board.

183. A Board of Commissioners, to be known as the Park Board, shall be elected as follows, and shall have the custody, care, and management of the public parks and places of the city, and which are maintained by public money.

184. The Park Board shall consist of three members, or such other number as the Council may by by-law provide, to be nominated and elected at the same time and in the same manner as the Mayor of the city, and for such a period of time as the by-law may provide:

- (a.) The property qualification for a member of the Park Board shall be in all respects the same as for an Alderman of the city, and no person shall be qualified to be or sit on the Park Board unless he is the owner of property as provided for in the case of Alderman in subsection (2) of section 4 of this Act. 1904, c. 62, s. 12.

Constitution of
Park Board.

Qualification for
member of
Park Board.

185. The Park Board may from time to time pass by-laws for the use, regulation, protection, and government of the park or parks, the approaches thereto and streets connecting the same, not inconsistent with the provisions of this Act or any law of the Province; and the word "regulation" shall be construed to include the regulation and the speed of vehicles within the parks, on the approaches thereto, and the streets connecting the same, and the prohibition of all such vehicles and traffic as said Park Board may, by resolution, decide to be undesirable in the park or parks: Provided that such prohibition, so far as vehicles for the carriage of passengers are concerned, shall only extend to the time between the hours of two p.m. and five p.m.:

Power to pass
by-laws.

- (1.) The said Board shall have power to inflict penalties for the infraction of any by-law, and the same shall be enforced by the Police Magistrate of the city or by any Justice of the Peace of the Province in the manner and to the extent that any by-law passed by the Council may be enforced:

Penalties.

- (2.) The chairman, or any two members, may summon a special meeting of the Board, by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called, at which meeting two shall form a quorum:

Special meeting.

- (3.) The office of any member of the said Board who shall be absent from the meetings of the Board for three successive months without leave of absence from the Board, or without reasons satisfactory to the Board, shall be declared vacant by the Board, and notice thereof shall be given to the Council at the next meeting of the Council:

When office of any
member shall be
declared vacant.

- (4.) The said Board shall in the month of January in every year make up, or cause to be made up, an estimate of the sums required during the ensuing financial year for—

Estimate of sums
required during
ensuing year.

(a.) The interest of any money borrowed as herein mentioned:

Interest.

(b.) The amount of the sinking fund; and

Sinking fund.

(c.) The expense of maintaining, improving, and managing the parks, boulevards, avenues, and streets under their control. 1906, c. 68, s. 9.

Expenses.

By-laws to punish.

186. The Board may at any time pass alter, and repeal by-laws for the punishment of the following offences, that is to say:—

If any person does or commits any of the following acts:—

Hindering, etc.,
the Board, etc.

(1.) Wilfully or maliciously hinders or interrupts, or causes or procures to be hindered or interrupted, the said Board or their engineers, surveyors, managers, contractors, servants, agents, workmen, or any of them, in the exercise of any of the powers and authorities in this Act authorized and contained; or

Letting off, etc.,
water.

(2.) Wilfully and maliciously lets off or discharges any water so that the same runs waste and useless from or out of any reservoir, pond, or lake connected with any such park; or

Swimming dog in
water or throwing
injurious matter
into water.

(3.) Causes any dog or other animal to swim in the water or throws or deposits any injurious nuisance or offensive matter into the water in any reservoir, lake, pond, or other receptacle for water connected with any such park, or upon the ice in case such water is frozen, or in any way fouls the water, or commits any unlawful damage or injury to the works, pipes, or water, or encourages the same to be done; or

Defacing trees,
shrubs, etc.

(4.) Wilfully or maliciously injures, hurts, defaces, tears, or destroys any forest, ornamental, or shade tree or shrub, or other plant, or any statue, fountain, vase, or fixture or ornament, or utility, in any street, avenue, drive, park, or other public place under the control of any such Board, or wilfully, negligently, or carelessly suffers or permits any horse or other animal driven by or for him, or any animal belonging to him, or in his custody, possession, or control, and lawfully on the street or other public place, to break down, destroy, or injure any tree standing for use or ornament in any such public park or place; or

Injuring
animals, etc.

(5.) Wilfully or maliciously injures, hurts, or otherwise molests or disturbs any animals, birds, or fish kept in any such park, or in the lakes or ponds therewith connected:

Posts advertise-
ments, etc.

(6.) Or posts, paints, or affixes any advertisements or bills of any kind whatsoever in any such public park or place:

Penalty.

(7.) Any person who is adjudged guilty of any offence within the meaning of the foregoing subsections shall be liable to a penalty of not more than fifty dollars, or in default of payment thereof not more than two months' imprisonment, with or without hard labour.

Upon request of
Park Board, Mayor
to detail members
of police force.

187. It shall be the duty of the Mayor or Police Committee, upon the request of the Park Board, to detail for service in any of the public grounds under the care of the Park Board so many of the police force as the Mayor or Police Committee may deem necessary to maintain order and protect property therein; and any policeman

on duty in the grounds may remove therefrom any person guilty of a violation of any of the provisions of this Act, or of any of the rules and regulations established by the Board.

188. The Park Board and the officers thereof shall have the like protection in the exercise of their offices and the execution of their duties as Justices of the Peace have under the laws of this Province; and the watchmen and other officers of said Board, when in the discharge of their duties, shall be ex officio possessed of all powers and authorities of constables.

Protection of Park Board and their officers.

Meetings of and Proceedings at Council.

189. The Council shall meet at noon on the first Monday subsequent to the annual election in each year, or in case such Monday shall be a statutory holiday, then such meeting shall be held on the next day thereafter at noon:

First meeting.

(1.) The Mayor and members of the Council and the subordinate officers of the city may make declaration of office and qualification before any Justice of the Peace having jurisdiction in the City of Vancouver, or before the Clerk of the Council:

Declaration of office.

(2.) No previous resolution of the Council passed in the then current year on any matter shall be rescinded unless by a two-thirds vote of the members of the Council then present, and no decision or ruling of the Mayor or presiding officer, while in the chair, shall be overruled except by a vote of two-thirds of the members of the Council present:

No previous resolution to be rescinded.

(3.) No member of the Council shall, during the term for which he is elected, be eligible or appointed to any office under the city:

No member of Council to be eligible for office under city.

(4.) The Council may by by-law make any regulations for the procedure and conduct of the business, the appointment of committees for the carrying-on of the business of the city which they may think desirable.

Council may pass by-laws for its own procedure, etc.

Officers of the Corporation.

190. The Council shall by by-law provide for the appointment and the method of appointment of officers of the Corporation to fill or occupy positions as may from time to time be vacant, as it may deem necessary or expedient to carry on the good government of the city and the provisions of this Act.

Appointment of officers.

190A. [Added by 1907, c. 61, s. 9. Repealed, 1910, c. 79, s. 20.]

191. Any person holding any office to which he has been properly appointed by the Council shall hold the same during good behaviour and efficiency, and, notwithstanding any contract or agreement to the contrary, the Council or the employee may terminate any engagement by giving to the other one month's notice in writing.

Office to be held during good behaviour and subject to one month's notice.

Duties to be defined
by by-law.

192. All officers in the employ of the Council shall do, execute, and perform such services as the Council may from time to time by resolution or by-law define: Provided, however, that no resolution or by-law shall alter any of the duties imposed by this Act.

Office hours.

193. All city offices shall be kept open from nine o'clock a.m. to five o'clock p.m., except on Saturdays, when the offices shall be closed at twelve o'clock noon.

Security to be
given by officers.

194. All officers shall give satisfactory bonds for the due and proper performance of their duties, if required by the Council, before entering on their duties, and shall subscribe a proper oath of office.

All moneys received
by city officials to
be paid to Treasurer
each day.

195. All moneys belonging to the city received by any officer or agent thereof, either from collections, loans, fees, fines, and penalties, or otherwise, shall be deposited in the city treasury once a day; and in case the provisions of this section are not complied with, it shall be the Treasurer's duty to report any delinquencies to the Mayor.

Receipts for moneys
received or paid.

The Treasurer shall make receipts in all cases for the party paying, which shall set out the amounts, and on what account paid, and to what account credited. All payments on account of pay-rolls shall be made by the Treasurer, after the same have been audited by the Accountant and placed in his hands therefor. All payments of salaries or wages shall be paid by the Treasurer, who shall pay each person, or his legal representative, and take a proper receipt therefor.

Mayor.

Duties of Mayor.

196. The Mayor shall be chief executive officer of the Corporation, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the city to be duly executed and put in force. He shall have unrestricted authority and power to inspect and order the conduct of all officers and employees of the Corporation, and to direct the method of management of the Corporation business and affairs, and to suspend the officers and employees of the Corporation, and, as far as may be in his power, to cause all negligence, carelessness, and violation of duty on the part of the officers and employees to be prosecuted and punished; but every such case of suspension shall be reported to the Council at its next sitting, and if the Council decide by resolution to reinstate any officer who has been so suspended they may do so, or the Council may decide to make such suspension absolute; to recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort, and ornament of the City; and the Council may by by-law fix a sum not exceeding five thousand dollars to be paid to the Mayor annually. 1910, c. 79, s. 17.

Witnesses.

197. The Council, or any committee thereof, shall have power, under the hand and seal of the Mayor, to summon witnesses for

examination on oath in any and all matters connected with or relating to the administration of the city business, and the Mayor or Acting-Mayor shall have the same power to enforce the attendance of such witnesses, and compel them to give evidence, as is vested in any Court of law in civil cases. The Mayor or Acting-Mayor shall administer the oath to any witness, and such witness shall be examined, cross-examined, and re-examined according to the rules and practice of the Supreme Court of British Columbia in civil cases:

- (a.) The Council may by resolution, in the absence from the city of the Mayor, appoint from its number an Acting-Mayor; and whenever the word "Mayor" is used in this Act there shall be read after it the words "or Acting-Mayor."

Treasurer.

198. The Council shall appoint a Treasurer:

- (1.) It shall be the duty of the Treasurer to receive all moneys paid into the city treasury from whatever source, and to pay out the same only when ordered by the City Council, on warrant signed by the Mayor and City Clerk: Duty of Treasurer to receive and disburse all moneys.
- (2.) The Treasurer shall keep a complete and accurate account of all moneys by him received, showing the amount thereof, the time when and from whom and on what account received, and also of all disbursements by him made, showing the amount thereof, the time when and to whom paid: To keep an account of all moneys paid out and received.
- (3.) The Treasurer shall daily (Sundays excepted) deposit, or cause to be deposited, all moneys belonging to the city in some bank to be designated by the Council: To deposit all moneys in bank daily.
- (4.) The books, accounts, and vouchers of the Treasurer, and all moneys remaining in the city treasury, shall at all times be subject to the inspection and examination of the Auditors, the Finance Committee, and any member of the Council: Books and accounts to be open to inspection.
- (5.) The Treasurer shall, during the week succeeding the thirty-first day of December in each year, make a full statement to the Finance Committee of the amount of all his accounts for the year ending the thirty-first day of December, and shall through said committee report to the Council an abstract of all his receipts and disbursements to and from each fund of the city: Financial statement at close of year.
- (6.) The Treasurer on going out of office shall deliver to his successor all public moneys, books, accounts, papers, and documents in his possession; and in case of his death the Finance Committee shall take possession of and keep the same until a successor is appointed: On leaving office, to hand over all books, papers, etc.
- (7.) The Treasurer shall report to the first regular meeting of the Council in each month the amount of money at the credit of the city, specifying the fund to which it belongs: Report to the first regular meeting.

Disbursement of
municipal funds.

(8.) On presentation of certificates of indebtedness issued by the City Clerk to the said Treasurer, and countersigned or certified by the Mayor, or Acting-Mayor, the Treasurer shall pay the same from any unexpended balance to the credit of the fund properly chargeable therewith. All payments made on account of pay-rolls shall be made by the Treasurer after the same have been audited by the Accountant or Comptroller and placed in his hands therefor:

Treasurer's oath
and security.

(9.) The Treasurer shall take an oath of office and give bonds to the satisfaction of the Council in the sum of fifteen thousand dollars, or such other sum as the Council may by resolution enter on the minutes or by by-law appoint, conditioned for the faithful performance of his duties, and shall further perform such other duties as the Council may require:

Estimates of
expenditure for
the current year.

(10.) The Treasurer shall, on or before the second Tuesday in May in each year, submit to the Council a report of the estimates necessary as near as may be to defray the expenses of the city government and for the payment of maintenance of schools, and the interest and sinking fund on the debenture debt during the current fiscal year. He shall in such report class the different objects of the said city expenditures; giving as nearly as may be the amount required. He shall make a statement of all contracts made or directed by the Council and not performed or completed, and upon which any money remains unpaid, with the amount so unpaid on each, and for this purpose he shall require the City Engineer and other officers and heads of departments to furnish such information as he needs to enable him to fulfil the duties imposed on him by this section; he shall also in such report show the aggregate income of the preceding fiscal year from all sources, the amount of all liabilities outstanding, and of all bonds, interest, and other kinds of city debts payable during the year, and when due, so that the Council may fully understand the money exigencies and demands of the city for the ensuing year.

Statement of all
contracts made.

Liabilities.

City Clerk.

Clerk and his duties. **199.** The Council shall appoint a Clerk, and the Clerk shall truly record in a book, without note or comment, all resolutions, decisions, and other proceedings of the Council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records, and accounts of the Council, and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies

of all by-laws, and of all minutes of the proceedings of the Council, all of which he shall so keep in his office or in the place appointed by by-law of the Council.

200. The Council may by resolution provide that, in case the Clerk is absent or incapable through illness of performing the duties of Clerk, some other person to be named in the resolution shall act in his stead; and the person so appointed shall, while he so acts, have all the powers of the Clerk.

If Clerk ill or absent, Council may appoint substitute.

201. Any person may at all reasonable times inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll-books, and other documents in the possession of or under the control of the Clerk, and the Clerk shall within a reasonable time furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rate as the Council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time to any elector of the city, or to any other person interested in any by-law, order, or resolution, or to his solicitor, a copy of such by-law, order, or resolution, certified under his hand and under the corporate seal.

Any person may inspect assessment rolls, etc.

202. A copy of any document in the possession of or under the control of the Clerk of the City, certified under his hand and under the corporate seal of the city, may, after the original thereof has been produced from the proper custody, be filed in any Court in lieu of such original, and shall be received in evidence without proof of the seal of the Corporation, or of the signature or official character of the person appearing to have signed the same, and without further proof thereof unless the Court or Judge otherwise directs.

Copy of document certified by Clerk to be received in evidence, etc.

203. If the Clerk refuses or neglects to perform the duty required of him by the preceding section, he shall, upon conviction thereof before any Court of competent jurisdiction, forfeit to Her Majesty such sum as the Court may order and adjudge, not exceeding one hundred dollars.

Penalty for Clerk refusing or neglecting his duty.

Accountant.

204. The Council shall appoint an officer, to be known as the Accountant or Comptroller of the city, who shall perform such duties as Accountant or Comptroller thereof as may be prescribed by by-law of the city, and the Council may, in fixing the duties to be so performed by said Accountant or Comptroller, direct that he shall perform such and so many of the duties of the Treasurer and City Clerk, respectively, as shall be defined in said by-law, anything contained in this Act or in any other by-law to the contrary notwithstanding. 1906, c. 68, s. 10.

Accountant and his duties.

Auditor.

Auditor.

205. The Council shall appoint one or more Auditors; but no one who at such time, or during the year preceding such appointment, is or was a member of the Council or is or was the Clerk or Treasurer of the city, or who has or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor or Comptroller, shall be appointed an Auditor or Comptroller. 1906, c. 68, s. 11.

Duties of Auditors.

206. The Auditor or Auditors appointed under the next preceding section shall every month, commencing in January of each year, and so on to the end of each year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction.

Auditors shall examine and report.

207. The Auditor or Auditors shall examine and report upon all accounts affecting the Corporation or relating to any matter under its control or within its jurisdiction for each year ending on the thirty-first day of December.

Appropriations and Payments.

No appropriation beyond cash in hand.

208. No liability shall be incurred or appropriation be made from or on account of any revenue fund in excess of the amount standing to the credit of such fund and remaining unappropriated, nor shall it be made for purposes to which the money therein is not applicable by law.

Warrants for payment of city funds.

209. No money shall be paid out of the Treasury except on the warrant of the City Clerk, countersigned by the Mayor or Acting-Mayor, and no warrants shall be issued on any appropriation unless there is an unexpended balance to the credit thereof sufficient to cover such warrant, and money in the Treasury to pay it.

Unadjusted and audited accounts.

210. All unadjusted accounts before they are audited must be certified by the officer having knowledge of the facts, and audited accounts shall be registered in the Clerk's office, and filed and preserved as vouchers in such office.

Power to borrow pending Collection of Taxes or Realization of Debentures.

Council may borrow pending collection of taxes.

211. The Council shall be at liberty and are hereby empowered to borrow from any chartered bank or other monetary institution, either by promissory note or overdraft, any sum of money required for ordinary expenditure in or for the maintenance of the city, pending the collection of taxes or the realization of debentures issued or to

be issued, and may, pending the realization of debentures issued or to be issued, hypothecate, pledge, or mortgage the same for the repayment of any money so borrowed and interest thereon.

212. The Council may, by by-law, pending the collecting of any overdue taxes, borrow for the purposes of ordinary expenditure from any chartered bank, person, or corporation a sum of money not exceeding fifty per cent. of the aggregate amount of such overdue taxes, subject to the condition that the said taxes, as collected, shall be paid into the said bank, or to the said person or corporation, to a special fund or account to repay the sum so borrowed when due, and shall not be used for any other purpose: Provided that it shall not be necessary for such by-law to receive the assent of the electors, notwithstanding the amount borrowed is not repayable within the same municipal year. The obligation to be given to the lender as security shall be defined in said by-law.

Council may by by-law borrow, pending collection of overdue taxes.

213. For authorizing, under the following conditions, the borrowing from any person of such sum of money, not exceeding, however, an amount equal to seventy-five per cent. of the amount of taxes collected during the previous year of the sum that was levied that year by general and special rates upon land, improvements, or real property in the city, and bearing such rate of interest as may be requisite to meet the current legal expenditure and liabilities of the Corporation which becomes payable out of the annual revenue before the revenue for the year becomes payable by the taxpayers:

Council may borrow 75 per cent. of amount of taxes collected during previous year, being levied by general or special rates.

(a.) That the money so borrowed shall be repayable and repaid on or before the thirty-first of December in the calendar year in which it is so borrowed:

Money to be repayable by 31st December.

(b.) That it shall be a liability payable out of the city revenue for the current year:

Liability payable out of city revenue.

(c.) That the obligation given to the lender shall be in writing, signed by the Mayor and City Clerk, and shall bear the corporate seal:

Obligation shall be in writing.

(d.) That the Council shall in the by-law have named the amount to be borrowed and the rate of interest not exceeding, the date on or before which the principal and interest shall be payable, and the form of the obligation to be given as an acknowledgment of the liability.

By-law shall name amount to be borrowed.

Investigations and Commissions of Inquiry.

214. In case the City Council at any time passes a resolution requesting any Judge of the Supreme Court to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust, or other misconduct on the part of any member of the Council or officer of the Corporation, or any person having a contract therewith, in relation to the duties or obligations

Investigation of malfeasance or breach of trust, etc.

of the members to the Corporation, or in case the Council sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the city or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have full power to summon witnesses before him to compel them to give evidence upon oath, either orally or in writing or on solemn affirmation, and to produce and bring with them such books, documents, and things as he may think requisite for the complete and full investigation of such matter as aforesaid, and the Judge shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any Court of law in civil cases; and the Judge shall, with all convenient speed, report to the Council the result of the inquiry, and the evidence taken thereon.

When Lieut.-
Governor in
Council may issue
Commission.

215. In case at least four members of the Council or two hundred and fifty duly qualified electors of the city petition for a Commission to issue under the Great Seal of the Province, to inquire into the financial affairs of the Corporation and things connected therewith, and if sufficient cause be shown, the Lieutenant-Governor in Council may issue a Commission accordingly, subject to such terms or conditions as to costs or otherwise as the Lieutenant-Governor in Council may impose; and the Commissioner or Commissioners, or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and give evidence as any Court has in civil cases.

Miscellaneous.

Council to always
continue and exist.

216. The Council and every other governing body appointed or to be appointed under this Act shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same; and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a Council or governing body, as the case may be, every Council or other governing body may take up and carry on to completion all by-laws, reports, and proceedings which had been begun or had been under consideration by the Council or other governing body either in the then next preceding year or subsequent or prior thereto; and it shall not be necessary to begin de novo with any by-law, proceeding, report, matter, or thing entertained by the Council or other governing body in such preceding year, or subsequent or prior thereto as aforesaid. 1906, c. 68, s. 12.

When money
borrowed for
special purpose on
hand, Council may

217. When the city shall have a sum of money on hand which has been borrowed for a special purpose by the authority of a loan

by-law, and when the Council deems it undesirable to expend for such purpose the money borrowed, it shall be lawful for the Council to place before the ratepayers a by-law providing for the appropriation and expenditure of such sum of money for some other purpose; and such by-law shall be subject to the provisions of this Act as to the passage of by-laws for creating debts; and provided always that the consent of the Lieutenant-Governor in Council shall be obtained to such by-law before the same shall come into effect.

submit by-law to
expend same other-
wise.

218. Every public street, road, square, lane, bridge, or other highway in the city shall be vested in the city (subject to any right in the soil which the individuals who laid out such road, street, bridge, or highway may have reserved), and such public street, road, square, lane, or highway shall not be interfered with in any way or manner whatsoever, by excavation or otherwise, by any street-railway, gas, or waterworks company, or any companies or by any company or companies that may hereafter be incorporated, or any other person or persons whomsoever, except having first made application and received the permission of the City Engineer in writing.

Public streets, etc.,
to be vested in city.

219. Every such public street, road, square, lane, bridge, and highway shall be kept in repair by the Corporation: Provided, however, that the Corporation shall in no case be liable for any damages occasioned by reason of the neglect of the said Corporation to repair any such road, square, lane, bridge, or highway, unless notice in writing, setting forth the time, place, and manner in which such damage has been sustained, shall be left and filed with the City Clerk within two calendar months after the date on which such damage was sustained: Provided that in case of the death of a person injured the want of notice shall be no bar to the maintenance of the action. The want or insufficiency of the notice required by this section shall not be a bar to the maintenance of an action if the Court or Judge before whom such action is tried, or, in case of appeal, if the Court hearing the appeal, is of opinion that there was reasonable excuse for the want or insufficiency, and that the defendant has not been thereby prejudiced in his defence. 1909, c. 63, s. 10.

Corporation
to repair.

Notices required
in case of action
for non-repairs of
roads, etc.

220. All lands conveyed to the Corporation outside the limits of the city, as defined by this Act, are hereby vested in the said Corporation, their successors or assigns, for ever.

Lands outside city
conveyed to city to
vest in city for ever.

221. No member or officer of the Council, and no member of the Board organized under or in connection with the city government, pursuant to any law or by-law, shall in his official capacity, or under colour of his office, knowingly or wilfully or corruptly vote for, assent to, or report in favour of or allow, or certify for allowance, any claim or demand against the city, or any department thereof,

No member or
officer of Council,
etc., to wilfully or
corruptly vote, etc.

or against any such Board as above mentioned, which claim or demand shall be on account or under colour of any contract or agreement not authorized by or in pursuance of the provisions of this Act, or any claim or demand against the city, or any department thereof, or any such Board as aforesaid, which claim or demand, or any part thereof, shall be for work not in fact performed for and by authority of said city or Board, or for supplies or materials not actually furnished thereto, pursuant to law or by-law; and no such member or officer as aforesaid shall knowingly vote for, assent to, assist, or otherwise permit or aid in the disbursement or disposition of any money or property belonging to the city, or any department thereof, or held by or in charge of any such Board as aforesaid, to any other than the specific use or purpose for which such money or property shall be, or shall have been, received or appropriated, or collected, or authorized by law to be collected; and any such member or officer as aforesaid who shall violate any of the foregoing provisions of this section shall, upon conviction thereof, be punished by imprisonment for not more than one year, or by fine of not less than five nor more than two thousand dollars.

Approval of
Municipal Council

222. All contracts, notes, bills, and other securities duly authorized to be executed on behalf of the Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation and signed by the Mayor and City Clerk, otherwise the same shall not be valid, and all cheques shall be signed by the Treasurer and Mayor and countersigned by the City Clerk.

Approval of Council
and Mayor and City Clerk

223. Notwithstanding anything contained to the contrary in the "Municipal Clauses Act" or amending Acts, or any other general Act relating to municipalities, the provisions of that Act or any such other Act as aforesaid shall not apply to the City of Vancouver.

Approval of Council
and Mayor and City Clerk

224. Nothing in this Act contained shall apply to or affect, conflict or interfere with the Vancouver Gas Company, Limited Liability, or to the rights, powers, and privileges to be conferred upon the said company by their Act of incorporation.

Approval of Council
and Mayor and City Clerk

225. Any person who shall violate any of the provisions of this Act or any of the provisions of any by-law passed in pursuance of this Act, for the violation of which no punishment has been provided therein, shall be liable to punishment in a summary way by fine not exceeding one hundred dollars, or by imprisonment (with or without hard labour, in the discretion of the convicting Magistrate) not exceeding two months.

Approval of Council
and Mayor and City Clerk

226. All bylaws of the Corporation shall be under the seal of the Corporation, and shall be signed by the head of the Council, or by the person presiding at the meeting at which the by-law was finally passed, and by the City Clerk. 1904, c. 62, s. 14.

227. The printed copies of all by-laws passed by the Council or other governing body appointed or to be appointed under this Act, and purporting to be printed by authority thereof, shall be admitted as prima facie evidence thereof in all Courts in this Province, and on all occasions whatsoever, as shall also a copy of any by-law certified to under the hand of the City Clerk and the seal of the Corporation as a true copy. 1906, c. 68, s. 13.

Printed copies of by-laws to be admitted as prima facie evidence.

228. On any prosecution, action, or proceeding in any civil matter to which the Corporation is a party, no ratepayer member, officer, or servant of the Corporation shall, on account of his being such, be incompetent as a witness.

No ratepayer to be incompetent as witness where city party to action.

Interpretation Clause.

229. Unless otherwise declared or indicated by the context, wherever any of the following words occur in this Act the meaning hereinafter expressed shall attach to the same, namely:—

Interpretation.

- (1.) The word "Council" means the Mayor and Council of the City of Vancouver:
- (2.) "Land," "real property," and "real estate," respectively, shall include all buildings and other things erected upon or affixed to the land, and all machinery and other things so fixed to any building as to form in law a part of the realty:
- (3.) Improvements shall extend to and mean all buildings and structures erected upon or affixed to the land, and all machinery and other things so fixed to any building as to form in law a part of the realty:
- (4.) The words "highway," "road," "bridge," mean respectively public highway, road, or bridge:
- (5.) The word "sewer" shall include common sewers, mains, branch, and all drains and connections therewith:
- (6.) The word "electors" means the persons entitled for the time being to vote at elections in the said city:
- (7.) The word "city" means the Corporation of the City of Vancouver:
- (8.) The word "Corporation" means the Corporation of the City of Vancouver.

Improvements.

"Highway," "road," "bridge."

"Sewer."

"Electors."

"City."

"Corporation."

230. The following Acts are hereby repealed: The "Vancouver Incorporation Act, 1886"; the "Vancouver Incorporation Act, 1886, Amendment Act, 1887"; the "Vancouver Incorporation Amendment Act, 1889"; the "Vancouver Incorporation Act (1886) Amendment Act, 1890"; "An Act to amend 'Vancouver Incorporation Act, 1886,' and Amendments thereto, being Chapter 72 of the Statutes of 1891"; the "Vancouver Incorporation Act Amendment Act, 1892"; the "Vancouver Incorporation Act Amendment Act, 1893"; the "Vancouver Incorporation Act Amendment Act, 1895"; and the "Van-

Saving clause.

couver Incorporation Act Amendment Act, 1898": Provided that the repeal of such Acts shall not be held or taken to in any way affect the rights obtained or liabilities incurred by any person or persons or corporations by virtue of the said Acts prior to the passing of this Act. And provided further that nothing in this Act shall be in any way held to affect or prejudice the rights and powers acquired by any person or persons under any agreement or agreements entered into between them and the city or under any previous Act of the Legislature: Provided also that whenever the words of the foregoing proviso are repugnant in any respect to this Act, the proviso shall stand as to all and any of the powers intended to be thereby preserved in the aforesaid proviso.

Provisions in
municipal contracts.

231. All municipal contracts shall contain provisions whereby the workmen, mechanics, artisans, and labourers employed on municipal works shall be entitled to not less than such wages and remuneration as are generally accepted as current in each trade for competent workmen in the City of Vancouver, and whereby all contractors and sub-contractors shall be bound to pay such wages.

Short title.

232. This Act may be cited as the "Vancouver Incorporation Act, 1900."

Establishment of
Board of Control.

233. Notwithstanding anything in this Act contained, the Council may by by-law at any time in its discretion declare that the business of the city from the commencement of the next ensuing year be managed by a Board of Control composed of the Mayor of the City and three Controllers to be nominated and elected from the city at large.

(1.) The members of the Board of Control, other than the Mayor, shall hold office as follows:—

- (a.) The person receiving the largest number of votes shall continue in office until the next ensuing general municipal election after his election, and for one year thereafter, reckoning therefrom, and from that time onward until his successor shall have been elected:
- (b.) The two persons who shall receive respectively the second and third largest number of votes shall continue in office until the next ensuing general municipal election and until their successors shall have been elected:
- (c.) In case of a tie, the Returning Officer shall have a casting-vote.

(2.) The candidates for the office of Controllers shall be nominated at the same time and place and in the same manner as candidates for the office of Mayor are nominated, and the provisions of this Act provided for the nomination and election for Mayor, including election by acclamation, and the filling of any vacancy that may occur in the said office shall, except as otherwise provided herein, *mutatis mutandis*, apply to the nomination and election of Controllers.

(3.) No person shall be qualified to be elected to the position of Controller who does not possess the property and other qualifications as required for Mayor by section four (4) of the "Vancouver Incorporation Act, 1900."

(4.) The Council may fix by by-law the salary to be paid to the members of the Board of Control. 1907, c. 61, s. 10.

234. (1.) It shall be the duty of the Board of Control—

Duty of Board
of Control.

(a.) To prepare an estimate of the proposed expenditure of the year and certify the same to the Council for its consideration. The Council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum or sums not included in or provided for by such estimates or in or by any special or supplementary estimates duly certified by the Board to the Council, without the affirmative vote of two-thirds of the members of the Council present and voting, authorizing such additional appropriation or expenditure. But this prohibition shall not extend to the payment of any debenture or other debt or liability lawfully contracted and payable, nor to the interest thereon:

(b.) To prepare specifications for and award all contracts, and for that purpose to call for all tenders for works, material, and supplies, implements or machinery, or any other goods or property required and which may lawfully be purchased for the use of the Corporation, and to report their action to the Council at its next meeting. Upon the opening of any tenders the Chairman or Board shall require the presence of the head of the department or sub-department with which the subject-matter of such tender is connected, and of the City Solicitor when required. Such head of department may take part in any discussion at the Board relating to such tenders, but shall not be entitled to vote. The Council shall not, unless upon an affirmative vote of at least two-thirds of the members of the Council present and voting, reverse or vary the action of the Board thereon when the effect of such vote would be to increase the cost of the work, or to award the contract to a tenderer other than the one to whom the Board of Control has awarded it:

(c.) To inspect and report to the Council monthly or oftener upon all municipal works being carried on or in progress within the city:

(d.) To nominate to the Council all heads of departments and sub-departments in case of any vacancy, and after a favourable report by the head of the department, and any other officer of the Corporation required to be appointed by by-law or resolution of the Council, and any other permanent

officers, clerks, or assistants, and to recommend the salaries of all officers and clerks, and no head of department or sub-department or other permanent officer, clerk, or assistant as aforesaid shall be appointed or selected by the Council in the absence of such nomination without an affirmative vote of at least two-thirds of the members of the Council present and voting; but the Council may, by a majority vote, refer such nomination back to the Board of Control for reconsideration:

- (e.) To suspend and recommend for dismissal any head of a department and forthwith to report such suspension to the Council. Where any head of department has been suspended by the Board, he shall not be reinstated by the Council unless upon an affirmative vote of at least two-thirds of the members of the Council present and voting.

(2.) In the absence of any by-law of the Council prescribing the mode of appointment of all or any other subordinate officers, clerks, assistants, employees, servants, and workmen not included in clause (d) of the preceding subsection, and required by any department or sub-department for the due and proper discharge and performance of the duties and work thereof, the Board may, by regulation or resolution, direct by whom and in what manner such subordinate officers, assistants, employees, servants, or workmen shall be appointed, engaged or employed.

(3.) The Board may from time to time submit proposed by-laws to the Council, and where, in the opinion of the Board, it is desirable, may amalgamate departments or sub-departments, subject to the approval of Council.

(4.) The Board of Control may appoint a secretary or clerk, whose duty it shall be to keep minutes of all proceedings of the Board; and he shall perform such other duties and services as may be assigned to him from time to time by the Board, the Mayor, or the Council.

(5.) The Council may, by by-law or resolution, impose upon or assign to the Board of Control such other duties as to the Council may seem meet. And the Board shall, when so required by resolution of the Council, and upon one week's notice thereof, return to the Council copies of the minutes of its meetings and any other information in their possession which the Council may require.

(6.) Nothing in this section contained shall prevent the Council (by a vote of the majority of the Council present and voting) from referring back to the Board of Control any report, question, matter, or thing for reconsideration.

(7.) In all cases where it is sought in Council to reverse, set aside, or vary the action of the Board of Control, or where a two-thirds vote of the members of the Council present and voting is required

for any purpose, the vote of yeas and nays shall be recorded in the minutes of the Council.

(8.) The Public School Board, the Board of Police Commissioners, and the Board of Management of the Public Library of the city, respectively, and all other governing boards of the city now or hereafter to be constituted, shall furnish to the said Board of Control, on or before the first day of March in each year, their several and respective annual estimates.

(9.) Clause (d) of subsection (1) of this section shall not apply to any member of the Fire Department of the city, except the head thereof, nor to any Assessor, except the Assessment Commissioner, nor to the representatives (if any) of the Council at or upon the board of any corporation to which the Council is entitled to elect a representative. And nothing in this section contained shall deprive any head of department of the power which he now possesses, under any by-law or otherwise, to dismiss any subordinate officer, clerk, or employee.

(10.) Notwithstanding anything in this Act contained, the duties herein assigned to the Board of Control shall be discharged exclusively by the said Board, except in the cases provided for in subsection (3) of this section. 1907, c. 61, s. 10.

235. (1.) Sections 233 and 234 of this Act shall not come into force unless and until the Council shall, before the final passage of the by-law required by said section 233, submit said by-law to the vote of the electors entitled to vote for Mayor, in the same manner, as to giving notice thereof and taking the vote, as is provided for the submission of money by-laws in section 103 of this Act.

When ss. 233 and 234 effective.

(2.) Upon the receipt of the returns of the votes cast, the City Clerk shall add up the votes, and if it appears from such returns that the votes cast for such by-law be three-fifths of the votes polled, the City Clerk shall forthwith declare such by-law carried, otherwise he shall declare it lost. In the event of such by-law being carried, the Council shall finally pass such by-law. 1907, c. 61, s. 10.

SCHEDULE A.
[To Original Act.]

FORM I.

I.—List of persons entitled to vote at Municipal Elections.

No. in Roll.	Names.	Property.		Title.	Remarks.
		Lot.	Street or Block.		
6	James Brown	E. ½ S..	María St...	Owner..	See Ward No.3.
25	John Smith.....	W. ½ Q..	Block C....	Tenant..	

FORM II.

ASSESSMENT ROLL, WARD No.....CITY OF VANCOUVER, 1900.

	District Lot.
	Block.
	Lot.
	Size.
	Rate per Foot.
	Name.
	Address.
	Owner or Tenant.
	Number of House- hold.
	Annual Value of Buildings and Im- provements.
	Value of Buildings and Improvements for Taxation.
	Land Value.
	Total Assessed Value.
	Revised Value.
	Remarks.

TAKE NOTICE that you are assessed as above specified for the year _____ under the Statutes. If you deem yourself overcharged or otherwise improperly assessed, you or your agent may notify the City Clerk in writing of any such overcharge or improper assessment at least seven days previous to the first meeting of the Court of Revision, and your complaint shall be tried, in conformity with the provisions of the Statute, by the Court of Revision of the City of Vancouver.

Vancouver, B.C.,

31st,

Assessment Commissioner.

To the City Clerk, Vancouver:

SIR,—Take notice that I intend to appeal against the above assessment for the following reasons :—

Respectfully,

FORM V.

To the Clerk of the City of Vancouver:

I, *James Smith*, voter [or a person entitled to be a voter] in the said city, complain [state the name of the person in respect of whom complaint is made and the grounds of complaint touching each person respectively, or set forth in lists as follows, varying according to circumstances], that the several persons whose names are set forth in the subjoined list No. 1 are entitled to be voters in the said municipality, as shown in said list, but are wrongfully omitted from the voters' list. That the several persons whose names are mentioned in the first column of the subjoined list No. 2 are wrongfully stated in said voters' list as shown in No. 2. That the several persons whose names are set forth in the first column of the subjoined list No. 3 are wrongfully inserted in said voters' list, as shown in said list No. 3. And that there are errors in the description of the property in respect to which the names respectively are entered on the voters' list [or stating other errors] as shown in the subjoined list No. 4. And take notice that I intend to apply to the Judge in respect thereof, pursuant to the Statute in that behalf.

appoint the of , 19 .

JAMES SMITH.

(Residence.)

LIST OF COMPLAINANTS MENTIONED IN THE ABOVE NOTICE OF COMPLAINANTS.

LIST No. 1. (*Showing Votes wrongfully omitted from the Voters' List.*)

Names of Persons.	Grounds on which they are entitled to be on the Voters' List.
James Tupper.....	Tenant of John Fraser, of Lot 1, Block 10, Street.
Simon Beaclerk.....	Owner in fee of Lot 4, Block 2, Street.
Angus Blain.....	Assessed too low—property worth \$.

LIST No. 2. (*Showing Voters wrongly named in Voters' List.*)

Names of Persons.	Ward.	The Errors in Statement upon Voters' List.
Joshua Townsend..	2	Should be <i>Joseph</i> Townsend.
John McBean.....	4	Should be John McBean, <i>the younger</i> .
S. Connell.....	3	Should be Simon O'Connell. etc., etc,

LIST No. 3. (*Showing Person wrongly inserted in Voters' List.*)

Names of Persons.	Ward.	Statement why wrongly inserted in Voters' List.
Peter White.....	4	Died before final revision of roll.
John May.....	3	Tenancy expired—left the country.
David Walters....	2	Assessed too high—property worth under \$.

LIST No. 4. (*Showing Voters whose Property is erroneously described in Voters' List, etc.*)

Names of Persons.	Ward.	Errors in respect of Property or otherwise stated.
Stephen Washburn.	3	Name should not be in Ward 2.
Thomas Gordon....	2	Property should be, etc.
Roland Blue.....	4	Should be described as owner, not tenant.

FORM VI.

To the Hon. Judge of, etc.:

The Clerk of the City of Vancouver states and reports that the several persons mentioned in column 1 of the Schedule below, and no others, have each given to him [*or left for him at his residence or place of abode, as the fact may be*] written notice complaining of errors or omissions in the voters' lists for the said city for 19 , on the grounds mentioned in column 2 of the said Schedule, and that such notices were received respectively at the date set down in column 3 of the said Schedule.

Dated the day of , 19 .

A. B.,
Clerk of the City of Vancouver.

SCHEDULE.

1. Name of Complainant.	2. Errors or Omissions complained of.	3. State when Notice of Complaint received by Clerk.

FORM VII.

To the Clerk of the City of Vancouver:

I, *Luke Doran*, a person entitled to be a voter in the said city, complain that the name of *Peter Short* is wrongfully inserted in the voters' list of the said city, he having, before the final revision and correction of the Assessment Roll, transferred to me the property in respect to which his name is entered on the said list [*or parted with the property in respect to which his name is entered on the voters' list, and that I am in possession of the same*]; and take notice that I intend to apply to the Judge to have my name entered on the said list, instead of the said *Peter Short*, pursuant to the provisions of the Statute in that behalf.

Dated the day of , 19 .

LUKE DORAN.
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FORM VIII.

To _____, Clerk of the City of Vancouver:

Upon reading your report and notification respecting the voters' list for the said City of Vancouver for 19____, pursuant to the Statute in that behalf, I appoint the _____ of _____, 19____, in the said city, for holding a Court to hear and determine the several complaints of errors and omissions in the said voters' list, of which due notice has been given.

You are constituted Clerk of the Court.

You will advertise the holding of such Court, and post up in your office a list of all complaints of errors and omissions in the said voters' list; and you will notify all parties concerned, according to law.

Let the Assessment Commissioner for the city attend the sittings of the said Court, and let the original Assessment Roll of the city for 19____, and the minutes of the Court of Revision for the city for 19____, be produced before me or the Acting-Judge on the day and at the place above mentioned.

Dated the _____ day of _____, 19____.

.....
Judge.

FORM IX.

Notice is hereby given that a Court will be held pursuant to the voters' list clauses of _____ at _____ on the _____ day of _____, 19____, at _____ o'clock _____, for the purpose of hearing all complaints made against the voters' list of the City of Vancouver for 19____, particulars of which complaints are shown in the subjoined Schedule.

All persons having business at the Court are hereby required to attend at the said time and place.

Dated the _____ day of _____, 19____.

A. B.,

Clerk of the City of Vancouver.

SCHEDULE.

Name of Party complaining.	Name of Person in respect to whom Appeal was made.	Grounds of Complaint alleged.

FORM X.

Notice is hereby given that a Court will be held, pursuant to the voters' list clauses of _____, by the Hon. _____, Judge of the _____ Court at _____ on the _____ day of _____, 19____, at _____ o'clock, to hear and determine the several complaints of errors and omissions in the voters' list of the City of Vancouver for 19____.

All persons having business at the Court are required to attend at the same time and place.

Dated the _____ day of _____, 19____.

A. B.,

Clerk of the City of Vancouver.

FORM XI.

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the revision of the voters' list, 19 , of the City of Vancouver, will be held by the Judge at on the day of , 19 , at o'clock, at which Court all complaints duly lodged of any error or omission in the said list will be heard and determined. A list of said complaints is posted up in , and you are hereby required to be and appear at such Court; and take notice that the Judge may proceed to hear and determine the complaints, whether the parties complaining appear or not.

By order of the Honourable , Judge of the Court.

Dated the day of , 19 .

To

A person complaining of error }
in the said voters' list.

A. B.,

*Clerk of the City of Vancouver and
constituted Clerk of said Court.*

FORM XII.

You are hereby notified that, pursuant to the Statute in that behalf, a Court for the revision of the voters' list, 19 , for the City of Vancouver, will be held by the Judge at on the day of , 19 , at o'clock noon, and you are required to appear to the said Court, for that has complained that your name is wrongly inserted in the said voters' list [because, *etc.*; *state matter of complaint concisely*]. A list of all complaints lodged is posted up in ; and take notice that the Judge may proceed to hear and determine the said complaint whether you appear or not.

By order of the Honourable , Judge of the said Court.

To

Entered on the voters' list.

A. B.,

*Clerk of the City of Vancouver and
constituted Clerk of said Court.*

FORM XIII.

[SEAL.]

BRITISH COLUMBIA :
DISTRICT OF NEW WESTMINSTER. }
To Wit :

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, etc.

To , Greeting:

We command you that, all excuses being laid aside, you be and appear in your proper person before Our Judge of Our Court at on the day of , 19 , at o'clock in the noon, at the Court appointed, and there and then to be held, for hearing complaints of errors in the voters' list for 19 of the City of Vancouver, and for revision of said voters' list, , then and there to testify to all and singular those things which you know in a certain matter [or matters] of complaint made and now pending

before the Judge, under the voters' list clauses of _____, wherein one is complainant, and which complaint is to be tried at the said Court. Herein fall not.

Witness the Honourable _____, Judge of the said Court at _____,
the _____ day of _____, 19 _____.

A. B.,
Clerk.

FORM XIV.

A. B., Clerk of the City of Vancouver, having testified under his hand that no complaint respecting the list of voters for the said city for the year 19 _____ has been received by him within thirty days after the first posting-up of the same, and on application of the said Clerk,

I, _____, Judge of the _____, in pursuance of the provisions of the voters' list clauses of _____, certify that the annexed printed list of voters, being one of the copies received by me from the said Clerk, under the provisions of the Act, is the revised list of voters for the said city for the year 19 _____.

Given under my hand and seal at _____ this _____ day of _____, 19 _____.

.....
Judge.

FORM XV.

Be it remembered that, upon a final revision and correction of the list of voters for the City of Vancouver for the year 19 _____, pursuant to the provisions of the voters' list clauses of _____, the following changes were duly made by me in the copies of the said city, viz.:—

1. The following persons are added to the list:—

Name.	Ward.	Property.

2. The following persons are struck off the said list:—

Name.	Ward.	Property.

3. The following changes are made in the property described opposite to the names of voters otherwise correctly inserted:—

Name.	Ward.	Property as originally described on List.	Property as altered.

Name originally on List.	Ward.	Name as altered.	Property.

Judge.

Judge.

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taxed and allowed at the said sum as appear on record, and have that money before Our Judge of Our said Court at Vancouver aforesaid, immediately after the execution thereof, and in what manner you shall have executed this Our writ make appear to Our Judge aforesaid, at Vancouver aforesaid, immediately after the execution thereof, and have you there then this writ.

Witness the Honourable , Judge of Our said Court at
the day of , in the year of our Lord 19 .

SCHEDULE I.

Column 1.	Column 2.	Column 3.
Names of Persons liable to have been assessed on the Assessment Roll for the City of Vancouver for the Year 19 , but not assessed.	Amount for which the Party should have been assessed.	Property in respect to which the Liability to Assessment exists.

SCHEDULE II.

Column 1.	Column 2.	Column 3.
Names of Persons not sufficiently assessed on the Assessment Roll for the City of Vancouver for the Year 19 .	Amount for which the Parties should be assessed in addition to the Amount already on the Assessment Roll.	Property in respect to which the Liability to Assessment exists.

FORM XIX.

In the Matter of Assessment for the Year 19 in the City of Vancouver.

The persons mentioned in the first column of the Schedule following not being assessed [*or not being sufficiently assessed*] on the Assessment Roll of the City of Vancouver for the year 19 , and having been found entitled to vote, on proceedings taken before me, Judge Court of the , under the voters' list clauses of , in pursuance of section of the said Act, it is adjudged that the said parties mentioned in the first column of the following Schedule, respectively, should have been assessed for the sum mentioned in the second column, respectively, opposite their respective names in respect to the land or other property or qualification mentioned in the third column of said Schedule, respectively, opposite the respective names of said parties; and it is ordered that the said parties shall be assessed accordingly.

Dated at this day of , 19 .

.....
Judge.

FORM XX.

Pursuant to section _____ of the voters' list clauses of the _____, I, _____, the _____ [a person entitled to be named as an elector on the voters' list for the City of Vancouver], hereby inform His Lordship the Judge of _____ that _____, Clerk of the said City of Vancouver, has failed to perform the duties required of him as such Clerk by the said Act, in this that he, the said _____, has not made out the alphabetical list of voters for 19 _____ for the said city within thirty days after the final revision and correction of the Assessment Roll thereof [*or, as the case may be, stating in brief the duty not performed*], according to the requirements of the said Act, and I apply to the said Judge to enforce the performance of the duties aforesaid, and to take such other proceedings as may be necessary.

Dated at _____ this _____ day of _____, 19 _____.
A. B.

FORM XXI.

In the Matter of the Voters' List for the City of Vancouver in _____.

Whereas it appears by the application of A. B. [or a person entitled to be named as an elector on the said list], made to me in pursuance of the said Act, in this that you, C. D., Clerk of the said city, have failed to perform certain duties required of you by the said Act, in this that you have not made out the alphabetical list of voters for 19 _____ for the said city within thirty days after the final revision and correction of the Assessment Roll thereof [*or, as the case may be, following the application*]; and whereas the said A. B. has applied to me to enforce the performance of the duties aforesaid:

You, the said C. D., are therefore hereby required to be and appear before me, at my Chambers in _____, on the _____ day of _____, 19 _____, at the hour of _____, and then and there have with you and produce before me the Assessment Roll for 19 _____ for the said city, and any documents in your custody, power, or control relating to the Assessment Roll or to the voters' list aforesaid; and then and there submit yourself for the examination on oath, as may be required of you. Herein fail not at your peril.

Dated this _____ day of _____, 19 _____.
To C. D.,
Clerk of the City of Vancouver.

.....
Judge.

SCHEDULE A.

[Referred to in 1907, c. 61, s. 18, subsec. (1).]

SHORT FORM OF LOCAL IMPROVEMENT BY-LAW.

A By-law to provide for borrowing Money by the Issue of Debentures secured by Local Special Rates on the Property fronting or abutting on [_____ Street between _____ Street and _____ Street, in Ward Number _____] for the Paving of said Portion of said Street.
(Passed _____ 19 ____.)

Whereas, upon the recommendation of the City Engineer and in the opinion of the Council of the Corporation of the City of Vancouver, it became desirable and necessary to pave with asphalt paving and stone curbing [*or as the case may be*] part of _____ Street between _____ Street and _____ Street, in Ward Number _____ of this _____, as a local improvement, and the said

Council thereupon gave due notice of their intention to pass a by-law for that purpose, and to assess and levy the cost of such improvement and work upon the real property fronting or abutting upon Street, within the limits hereinafter described, pursuant to the provisions of the Statutes in that behalf:

And whereas, although duly notified as aforesaid, the majority of the owners of such real property, representing at least half of the value thereof, have not petitioned the said Council against the said work and assessment [or in lieu of the above two recitals, if the work is petitioned for, use the following:—

Whereas and others have petitioned to have Street between Street and Street paved with asphalt paving and stone curbing]:

And whereas it has been ascertained and determined that the real property fronting or abutting upon the lines described as follows, that is to say:—

(1.) Commencing at a point on the north side of Street at its intersection with the east side of Street; thence easterly along the north side of Street feet, more or less, to the west side of Street, being the frontage on the north side of Street, from Street to Street, producing, after deducting the width of feet for street intersections and exempt properties, as shown by the statement of the frontage liable for assessment as finally settled, feet, more or less, of frontage assessable on the north side of the street:

(2.) Commencing at a point on the south side of Street at its intersection with the east side of Street; thence easterly along the south side of Street feet, more or less, to the east side of Street, being the frontage on the south side of Street, from Street to Street, producing, after deducting the width of feet for street intersections and exempt properties as shown by the report of the City Engineer, feet, more or less, of frontage assessable on the side of the street; or a total of feet, more or less, of assessable property on both sides of street aforesaid,—

is immediately, directly, equally, and especially benefited by the said improvement:

And whereas the total assessed value of the said property is \$:

And whereas the said pavement has been laid, and the total cost thereof is the sum of \$, of which amount the [city] disburses the sum of \$, being the cost of laying down the said pavement opposite the said street intersections and exempt properties [add and flankages if flankages are allowed by a by-law of the Corporation]; and the remaining \$ is to be defrayed by the ratepayers, and is the amount of the debt to be created by this by-law:

And whereas it will require the sum of \$ to be raised annually for a period of years, the currency of the debentures to be issued under and by virtue of this by-law, to pay the interest of the said debt, and the sum of \$ to be raised annually during the said period for the payment of the debt to be created by this by-law, such last-mentioned sum being sufficient, with the estimated interest on the investment thereof, to discharge the said debt when the same becomes payable, making in all the sum of \$ to be raised annually as aforesaid:

And whereas there are feet of frontage of the said assessable real property on both sides of [Street], within the limits aforesaid according to the said description, immediately, directly, equally, and specially benefited by the said improvement and work, upon which it will be required to charge an annual special rate per foot, sufficient to pay the interest and create an annual sinking fund for paying the said principal debt of \$ within years, which said debt is created on the security of the special rate settled by this by-law, and on that security only [or if the debentures are to be guar-

anted by the Corporation at large, substitute for all the words after the word "by-law" the following: "and further guarantee by the said Corporation at large"]:

And whereas it is expedient to raise the said sum of \$ by debentures of the Corporation of the City of Vancouver to defray that part of the expense of said work payable by local special rates:

Therefore, the Council of the Corporation of the City of Vancouver enacts as follows:—

1907, c. 61, Sch. A.

SCHEDULE B.

[Referred to in 1907, c. 61, s. 18, subsec. (1).]

SHORT CLAUSES FOR LOCAL IMPROVEMENT BY-LAWS.

1. Insert in the blanks in the short forms the number of years in which the rate is to be raised, the sum to be raised for interest and sinking fund, the rate to be imposed on each foot, and other particulars.

Column One.

1. During years, \$ shall
be raised for interest and \$ for
debt, making together \$.

2. A special rate of per foot
is imposed on each foot of above-
described property to produce \$,
and shall be collected by Collector of
Taxes as other rates.

3. During years, commencing
with 19 , above-described property
shall be exempt from general rates
for improvements.

Column Two.

1. During years, the currency
of the debentures to be issued under
the authority of this by-law, the sum
of \$ shall be raised annually
for the payment of interest on said
debentures, and also the sum of \$
shall be raised annually for the pay-
ment of the debt, making in all the
sum of \$ to be raised annually
as aforesaid.

2. A special rate of per foot
is hereby imposed on the real prop-
erty above described, according to the
frontage thereof, over and above all
other rates and taxes, which special
rate shall be sufficient to produce in
each year the said sum of \$,
and shall be annually inserted on the
Collector's roll for Ward Number Two
in each year for the next succeed-
ing years, and shall be payable
to and collected by in the same
way as other rates on the said roll.

3. During the period of years,
commencing from and after the first
day of January, A.D. 19 , the said
above-described real property shall be
exempt from all general rates or
assessments for improvements and
works similar to those above men-
tioned, save and except the costs of
similar works and improvements at
the intersection of streets, and except
such portion of the general rate as
may be imposed to meet the costs of
like works and improvements opposite
real property which is exempt from
such special assessment.

Column One.

4. \$ shall be raised by loan on above special rate, and debentures therefor shall be issued.

5. Debentures shall be payable years after issue, and shall bear per cent. interest.

6. Debentures may be made payable anywhere, in any currency, and proceeds thereof shall be used in paying off loans for work (if any).

7. Owners may commute assessment by paying per foot in first year, and a proportionately reduced rate for the years collected.

8. Moneys received from special rate or commutation shall be invested.

Column Two.

4. The sum of \$ shall be raised by loan by this Corporation on the security of the special rate hereby imposed, and on that security only; and debentures amounting to the sum of \$ shall be issued by the said Corporation therefor.

[If the debentures are to be guaranteed by the Corporation, add after the word "issued," in the first column, "guaranteed by the Corporation," and after the word "only," in the second column, "and further guaranteed by the said Corporation at large."]

5. The said debentures shall be made payable at the expiration of years from the date of issue of the same, and bear interest at the rate not exceeding per cent. per annum.

6. The debentures may, both as to principal and interest, be payable in any place in Great Britain, in the United States of America, or Canada, and may be expressed in sterling money or in any other currency, and may be made payable in gold, and the amount to be raised thereon shall be paid out and expended in paying off and discharging any temporary loans heretofore obtained on account of the said improvement and works, and in no other way and for no other purpose whatsoever.

7. If at any time any of the owners of the said real property hereinbefore described, or of any part thereof, desire to commute the assessment imposed by this by-law by the payment of his, her, or their proportionate share or shares of the cost thereof as a principal sum in lieu thereof, he, she, or they may so commute by the payment of per foot on his, her, or their property on Street aforesaid, at any time during the first year after the passing of this by-law, or in any subsequent year, by the payment of such sum as may be necessary to realize at the end of the currency of such debentures a sum equivalent to the balance then unpaid of the said annual special rate thereon.

8. All moneys arising out of the said annual special rate and all moneys received in commutation thereof under

Column One.

9. Debentures shall contain provision of section 32 of the "Vancouver Incorporation Act Amendment Act, 1907."

10. Debentures shall be subject to consolidation.

11. This by-law to take effect now.

Column Two.

the preceding section of this by-law shall be invested by the Treasurer of this Corporation from time to time, as the law directs.

9. Every debenture to be issued hereunder shall contain a provision in the following words: "This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Corporation, be transferable except by entry by the Treasurer or his deputy in the debenture registry-book of the said Corporation at the City of Vancouver" [*or to the like effect*].

10. The amount of debentures authorized to be issued under this by-law is subject to consolidation by including the same in a collective or cumulative by-law to be hereafter passed, consolidating the same with other amounts authorized, or to be authorized, by other local improvement by-laws, and under which consolidating by-law the required debentures to provide for the amounts to be raised under this and said other individual by-laws shall be issued in a consecutive issue, as shall in said consolidating by-law be more particularly enacted in that behalf.

11. This by-law shall come into operation and take effect on the day of the passing hereof.

1907, c. 61, Sch. B.

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